



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.34108 OF 2013

AND

M.P.NO.1 OF 2013

Mr.G.Pethu Reddiar

... Petitioner

Vs

1. The District Collector,
Tiruvannamalai, Tiruvannamalai District.
2. The Revenue Divisional Officer,
Tiruvannamalai Division, Tiruvannamalai District.
3. The Tahsildar,
Thandampattu, Tiruvannamalai District.
4. The Block Development Officer,
(Village Panchayats),
Thandampattu Panchayat Union,
Tiruvannamalai District.
5. The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
6. The Deputy Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
7. The Inspector of Police,
Vanapuram Police Station, Vananpuram,
Tiruvannamalai District.
8. Mr.Sundaram



9. Mr.Raja @ Devarajan

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from laying or extending any Road by occupying in petitioner's patta land comprised in Kottaiyur Village Survey No.78/3B1A, 78/3B1B, 78/3B3, 80/1A, 1B, 1C, 1D to an extent of 2.38.40 hectares and Vavachanur village S.No.15/1A1B to an extent of 4272 Sq.feet situated within the panchayat limits of Kottaiyur Village, Thandarampattu Taluk, Tiruvannamalai District and utilize the existing Tar Road available at Perunduraipattu near E.B Office to reach the Main Road.

For Petitioner : Mr.V.Jaya Prakash Narayanan
for M/s.Dr.G.Krishnamurthy

For Respondents 1 to 7 : Mr.K.M.D.Muhilan
Government Advocate

For Respondents 8 and 9 : No appearance

O R D E R

The relief sought for in the present writ petition is to forbear the respondents from laying or extending any Road by occupying the petitioner's patta land comprised in Kottaiyur Village Survey No.78/3B1A, 78/3B1B, 78/3B3, 80/1A, 1B, 1C, 1D to an extent of 2.38.40 hectares and Vavachanur village S.No.15/1A1B to an extent of 4272 Sq.feet situated within the panchayat limits of Kottaiyur Village, Thandarampattu Taluk, Tiruvannamalai District and utilize the existing Tar Road available at Perunduraipattu near E.B Office to reach the Main Road.

2. The learned counsel appearing on behalf of the petitioner made a submission that the authorities are attempting to infringe the property right of the petitioner without following the due process of law.



3. The petitioner claims that the subject property is a patta land. If so, the authorities are bound to follow the procedures for the purpose of acquiring the land for the benefit of the public usage. The property rights of the citizen is to be protected and the property can be acquired for public purposes only by following the due process of law.

4. This being the principles to be followed, if the patta land is required for public purposes, then the competent authorities are bound to institute appropriate acquisition proceedings by following the procedures as contemplated under law. If any encroachment is made in respect of the Government property, then also, the authorities according to the Encroachment Act should remove the encroachers. In all respects, the authorities competent are bound to follow the procedures in accordance with law for the purpose of implementing the public schemes.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

ars/mka

To

1. The District Collector,
Tiruvannamalai, Tiruvannamalai District.
2. The Revenue Divisional Officer,
Tiruvannamalai Division, Tiruvannamalai District.
3. The Tahsildar,
Thandarampattu, Tiruvannamalai District.
4. The Block Development Officer(Village Panchayats),
Thandarampattu Panchayat Union, Tiruvannamalai District.



5. The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.

6. The Deputy Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.

7. The Inspector of Police,
Vanapuram Police Station, Vananpuram,
Tiruvannamalai District.

+1cc to M/s.Dr.G.Krishnamurthy, Advocate, S.R.No.54538

+1cc to the Government Pleader, S.R.No.55127

W.P.No.34108 of 2013
and
M.P.No.1 of 2013

PM(CO)
RLP(15/11/2021)