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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.9649 of 2021

Saravanan,
S/o. Palaniandi

... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Assistant Director
(Town Panchayat),
Salem.
3. The Executive Officer,
Erumapatti Town Panchayat,
Sentamangalam Taluk,
Namakkal Dt.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd Respondent herein to follow the procedure for acquiring land under Land Acquisition Act while laying road on the western side running South to North through the land of the petitioner situated in Survey No.4/1 in Erumapatti Village, Senthamangalam Taluk, Namakkal District pursuant to the representation dated 29.03.2021 given to the respondents.

For Petitioner	:	Mr.T.Muruganantham
For Respondents	:	Mr.K.M.D.Muhilan, Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction directing the 3rd respondent to follow the procedure for acquiring the land under the Land Acquisition Act for laying the road in the petitioner's land in Survey No.4/1, in Erumapatti Village, Senthamangalam Taluk, Namakkal District.



2. The grievance of the petitioner is that, he is the owner of the property in the said survey number and now, without acquiring the land, the respondents are laying road in the said land. Hence, he has made representation not to lay the road without following due process of law, but, it was not considered. Hence, the present writ petition has been filed by the petitioner.

3. The 3rd respondent Executive Officer of Erumapatti Town Panchayat has filed a counter affidavit stating that, the road was in existence for the past 10 years and it was in a damaged condition, hence, they are relaying the road with the financial assistance of NABARD bank under the scheme of RIDF XIV. It is also stated in para 7 of counter affidavit that the existing road is adjacent to the petitioner's land in Survey No.4/1 and the road is used by the local village people for the past several years and they are only improving the road under the Integrated Urban Development Mission - (IUDM) - 2019-2020. In para 11 of the counter affidavit, it is stated that, it is an existing road and no new road has been formed as stated by the petitioner.

4. Considering the above submissions made in the counter affidavit, the 3rd respondent is only repairing and improving the existing road and no new road has been formed in the petitioner's land, the prayer sought by the petitioner cannot be granted. Accordingly, recording the counter affidavit filed by the 3rd respondent, this Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Assistant Director
(Town Panchayat),
Salem.



3. The Executive Officer,
Erumapatti Town Panchayat,
Sentamangalam Taluk,
Namakkal Dt.

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+1cc to Mr.T.Muruganantham, Advocate, S.R.No.35988

W.P.No.9649 of 2021

GPL(CO)
CB(18/08/2021)