



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.12433 of 2021

and

W.M.P.No.13221 of 2021

1.A.Sivaraman

2.Muniammal

...Petitioners

Vs

1. The Collector,
Collector office Building,
Thiruvannamalai.
2. The Block Development Officer,
Panchayat Union Office,
Thuringapuram Panchayat Union,
Thuringapuram.
3. The Union Engineer,
Panchayat Union Office,
Thuringapuram Panchayat Union,
Thuringapuram.
4. The President,
Karumarapatti Village,
Karumarapatti Panchayat Office,
Kelpennathur Taluk,
Thiruvannamalai District.
5. The Secretary,
Karumarapatti Village,
Karumarapatti Panchayat Office,
Kelpennathur Taluk,
Thiruvannamalai District.

6.Krishnamoorthi

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 29.09.2020 by restraining the 4th, 5th and 6th respondents not put up any road in the petitioners property situated at



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Kothavachavadi Village, comprised in new Survey No.29/2, Old Survey No.4/2, Kelpennathur Taluk, Tiruvannamalai District within a stipulated period in accordance with law.

For Petitioner : Mr.M.Selvam

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader
(for R1 to R5)

O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 3 to consider the representation dated 29.09.2020 by restraining the 4th, 5th and 6th respondents not put up any road in the petitioners property situated at Kothavachavadi Village, comprised in new Survey No.29/2, Old Survey No.4/2, Kelpennathur Taluk, Tiruvannamalai District within a stipulated period in accordance with law.

2. It is a case of the petitioner that, the petitioner having land to the extent of 2 acres at New Survey No.29/2, Old Survey No.4/2 at Kothavachavadi, Tiruvannamalai District. The said land was originally belonged to the first petitioner father from whom the petitioner and other legal heirs i.e., the brothers and sisters inherited from whom i.e., brother and sister, the first petitioner as well as the second petitioner i.e., the wife of the first petitioner, have purchased their share. Therefore, the first petitioner and his wife second petitioner have become the absolute owners of the property for an extent of 2 acres in the aforeasaid survey numbers.

3. During the earlier period, there has been a cart track put up by these petitioners father and that was used by them only for their private agricultural use wherein now the 4th respondent Village President after he has become the Village President wants to lay a permanent road. Therefore, the said move on the part of the 4th respondent, according to the petitioners, is without the sanction of law as it is neither a public road nor a public place or a Government or Panchayat land, instead, it is the private property of the petitioners who are exclusively owning the same. When that being so, such kind of proposal if any is there at the hands of the 4th respondent to whom the 5th and 6th respondents also is supporting such kind of move should be thwarted. Therefore, in order to redress such grievance, the first petitioner has given a representation on 29.09.2020 to the 1st and 2nd respondents as well as the 3rd respondent, however, since the same has not been considered, the petitioners have approached this Court by filing the present writ petition.



4. Heard Mr.M.Selvam, learned counsel appearing for the petitioners, who having reiterated the above, seeks indulgence of this Court to issue a direction by way of mandamus.

5. Heard Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for respondents 1 to 5, who would submit that, if at all any such representation is given by the first petitioner on 29.09.2020 to the respondents 1 to 5 claiming the right over the property in question as an exclusive properties of the petitioners, certainly, such representation would be considered on merits and a decision would be taken thereon within a time frame that may be stipulated by this Court.

6. Considering the limited scope of the prayer sought for herein and having heard the learned counsel appearing for the parties, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents, especially the respondents 2 and 3 to consider and pass orders on the representation of the first petitioner dated 29.09.2020 and in this process, the respondents 2 and 3 shall hear the petitioners as well as the respondents 4 to 6 by issuing separate notice to them and the needful, as indicated above, shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Sgl
To

1. The Collector,
Collector office Building,
Thiruvannamalai.
2. The Block Development Officer,
Panchayat Union Office,
Thurinjapuram Panchayat Union,
Thurinjapuram.



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3. The Union Engineer,
Panchayat Union Office,
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Thiruvannamalai District.
5. The Secretary,
Karumarapatti Village,
Karumarapatti Panchayat Office,
Kelpennathur Taluk,
Thiruvannamalai District.

+1cc to Mr.M.Selvam, Advocate, S.R.No.64544
+1cc to the Government Pleader, S.R.No.64337

W.P. No.12433 of 2021

GSM[co]
NSK 13/12/2021