



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.16158 OF 2021

AND

W.M.P.NO.17095 OF 2021

C.Gandhi

... Petitioner

.Vs.

1. The District Collector,
Collectorate,
Tiruvarur District,
Tiruvarur.
2. The Project Officer,
District Rural Development Agency (DRDA),
Collectorate,
Tiruvarur.
3. The Block Development Officer,
Panchayat Union,
Mannargudi,
Tiruvarur District.
4. The Special Officer,
Block Development Office,
Mannargudi Panchayat Union,
Mannargudi,
Tiruvarur District.
5. Giri
6. The President,
Panchayat Board,
Mela Nemmeli Village,
Mannargudi Taluk,
Tiruvarur District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents as not to encroach upon the petitioner's patta lands for the purpose of laying/widening the existing road.



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For Petitioner : Mr.K.M.Subramanian
For Respondent : Mr.U.Baranidharan
Government Advocate
For R1 and R2

Mr.C.Selvaraj for R3, R4 and R6

O R D E R

This writ petition has been filed for the issue of writ of mandamus forbearing the respondents from encroaching upon the patta lands belonging to the petitioner for the purpose of laying/widening the existing road.

2. It is seen from records that even on an earlier occasion, the petitioner had approached this Court and filed W.P.No.18736 of 2003 with a similar prayer.

3. When the matter was taken up finally for hearing on 16.04.2012, it was reported on the side of the respondents that the decision to lay the road has been deferred. Recording the same, the writ petition was disposed of.

4. The present writ petition was also filed with an apprehension that the respondents are going to lay the road on patta lands belonging to the petitioner while undertaking the widening of the existing road.

5. When the matter was taken up for hearing on 04.08.2021, this Court had directed the learned Government Counsel appearing on behalf of the 3rd respondent to take instructions and report before this Court.

6. When the matter was taken up for hearing today, the learned Government Counsel appearing on behalf of the 3rd respondent circulated the letter of the 3rd respondent dated 06.08.2021. A careful reading of this letter shows that the 3rd respondent has directed the contractor viz., 5th respondent to keep the entire work in abeyance. The 3rd respondent has further directed the contractor not to continue with the work till a proper survey is conducted and the property belonging to the petitioner is identified.

7. In view of the specific stand taken by the 3rd respondent, there shall be a direction to the 3rd respondent to immediately undertake the exercise of conducting the survey and identify the lands belonging to the petitioner. This will enable the contractor to proceed further with the road laying



work without encroaching into the private patta lands belonging to the petitioner.

8. This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The District Collector,
Collectorate,
Tiruvarur District,
Tiruvarur.
2. The Project Officer,
District Rural Development Agency (DRDA),
Collectorate,
Tiruvarur.
3. The Block Development Officer,
Panchayat Union,
Mannargudi,
Tiruvarur District.
4. The Special Officer,
Block Development Office,
Mannargudi Panchayat Union,
Mannargudi,
Tiruvarur District.
5. The President,
Panchayat Board,
Mela Nemmeli Village,
Mannargudi Taluk,
Tiruvarur District.

+1cc to the Government Pleader, S.R.Nos.43692, 43645

W.P.NO.16158 OF 2021 AND
W.M.P.NO.17095 OF 2021

SMI (CO)
PBS/24/09/2021