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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.20436 OF 2021

AND

WMP NO.21699 OF 2021

S.Vinayagam

... Petitioner

.Vs.

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Block Development Officer
Uthiramerur Panchayat Union
Uthiramerur
Kancheepuram District.
3. The Thasildar
Uthiramerur Taluk,
Uthiramerur.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the Respondents 1 to 2 from trespassing, encroaching in the Punja land bearing S.No. 108/ 1 in No.16 Manampathy Kandigai Village Uthiramerur Taluk, Kancheepuram District, and lay tar Road without Following the due process of law.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.U.Baranidharan
Government Advocate
for R 1 & R 3

Dr.S.Suriya
Government Advocate
for R 2



O R D E R

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from entering into the patta land belonging to the petitioner and laying a public road.

2. When the matter was taken up for admission on 23.09.2021, this Court after considering the nature of grievance expressed by the petitioner directed the counsel for respondents to take instructions and in the meantime granted an order of Status Quo.

3. Thereafter, when the matter was taken up for hearing on 30.09.2021, it was brought to the notice of this Court that the Tahsildar has already submitted the report before the Block Development Officer and time was taken to take instructions from the Block Development Officer.

4. When the matter was taken up for hearing today, the learned Government Counsel submitted the written instructions received from the Block Development Officer, Uthiramerur Union. The relevant portions from the written instructions are extracted hereunder:

"In this connection, I submit that on the representation given by the villages of Elanagar, requesting to form connectivity road from Manampathy Kandigai to Elanagar preliminary work, for the formation of the said road was undertaken by this respondent and as a part of the above said work, the lands in Survey no.106/1 and 107/1 which were already under use of the villages as mud road was covered with small jelly and in continuation of the above land, the land in Survey no.108/1, which was also used as mud road by the villagers was also covered with small jellies by removing the trees on either side of the said mud road.

On hearing the progress of the above road work, Thiru.Vinayagam the writ petitioner, herein, sent an objection petition to stop the laying of road in the land in Survey no.108/1 claiming that it is his patta land.

I submit that immediately on receipt of the objection petition from Thiru.S.Vinayagam, the respondent stopped the road laying works in the lands in S.No.106/1, 107/1 and 108/1 of Manampathy



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Kandigai Village and as of now, no work is in progress in the said lands and any further work for laying the road in the said lands will be done only in accordance with law, by duly following the due process of Law."

5.The learned Government Counsel submitted that on receipt of the objection from the petitioner, the respondents have stopped the road laying work and no work will be carried out in the patta lands belonging to the petitioner without following the due process of law.

6.The learned counsel for the petitioner submitted that the respondents do not have any right to lay the road in the patta lands belonging to the petitioner without acquiring the property. The learned counsel further submitted that the respondents should be directed not to lay any road in the patta lands belonging to the petitioner unless the respondents resort to acquire the lands in accordance with law.

7.Taking into consideration the facts and circumstances of the case and considering the submissions made on either side and the written instructions given by the Block Development Officer, this Court deems it fit to dispose of this writ petition with a direction to the respondents not to carry on any road laying work in the patta lands belonging to the petitioner. This direction is issued considering the undertaking given by the Block Development Officer before this Court. If ultimately the respondents decide to lay any road and for that purpose, the property belonging to the petitioner is required, the respondents shall resort to acquisition proceedings or they shall go for private negotiation and get the land conveyed from the petitioner and only thereafter the road laying work shall be carried out.

This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP



To

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1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Block Development Officer
Uthiramerur Panchayat Union
Uthiramerur
Kancheepuram District.
3. The Thasildar
Uthiramerur Taluk,
Uthiramerur.

+1cc to Mr.S.Baskaran, Advocate, S.R.No.52655

+1cc to the Government Pleader, S.R.No.53167,53483

W.P.No.20436 of 2021

RLD (CO)
PM/28/10/2021