



W.P. No.20485 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.20485 of 2020 &
W.M.P.No.25259 of 2020

L.Roseline

.. Petitioner

Versus

- 1.The Block Development Officer,
Keezhaiyur Panchayat Union,
(For Karunkanni Village Panchayat),
Nagapattinam District.
 - 2.The District Collector-cum-The Inspector of Panchayats,
Nagapattinam District.
 - 3.The President,
Karunkanni Village Panchayat,
Karunkanni, Nagapattinam District.
 - 4.M.Michael Ruban
 - 5.F.Santhanaraj
 - 6.The Tahsildar,
Keezhaiyur Panchayat Union,
(For Karunkanni Village Panchayat),
Nagapattinam District.
(R-6 impleaded suo motu vide order
dated 26.04.2021 in W.P.No.20485 of 2020)
- .. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the first to third respondents to recover the public road connecting North Street to Karunkanni Main Road in Karunkanni Village, Nagapattinam District from fourth and fifth respondents and lay down a pucca road.

For petitioner : Mr.Leo Valanl

For respondents : Mr.L.S.M.Hasen Fizal
Additional Government Pleader
for R1 to R3 and R6

No appearance for R4 and R5

ORDER

(Order of the Court was made by **K.KALYANASUNDARAM., J.**)

The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to recover the public road connecting North Street to Karunkanni Main Road in Karunkanni Village, Nagapattinam District from the fourth and fifth respondents, and lay a pucca road.

2. The case of the petitioner is that his ancestors, his relatives have been continuously residing in the North Street, Ward No.4, Karunkanni Village Panchayat, for more than 150 years. While so, most of the families have



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relocated to other places for various reasons and only at present five families are residing therein. It is further stated that the North Street is surrounded by agricultural lands owned by private parties, however the public road having a width of 6 feet is being used by the residents as an access to their property. The petitioner alleges that the fourth respondent colluding with the fifth respondent has encroached the public road, which reduced into one feet wide. So, the petitioner along with the other residents of the area made representation to the Authorities, but no action was taken so far.

3. The learned counsel appearing for the petitioner would state that it would suffice if a suitable direction is issued to the Official respondents to consider the grievance of the petitioner.

4. The learned Additional Government Pleader representing the respondents 1 to 3 and 6 would submit that the Tahsildar had already conducted a survey and sub divided the Survey No.104/8 into S.No.104/8A, 104/8B and 104/8C and earmarked S.No.104/8C as "Padhai". In this regard, the learned Additional Government Pleader has produced the letter of the sixth respondent, dated 21.09.2021.



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5. Heard Mr.Leo Valanl, learned counsel appearing for the petitioner;
Mr.L.S.M.Hasen Fizal, learned Additional Government Pleader appearing for
the respondents 1 to 3 and 6, and perused the materials available on record.
Though the respondents 4 and 5 have been served and their names were
printed in the cause list, none appeared for them.

6. Considering the facts of this case and the submissions made by the
learned counsels on either side, we hereby direct the respondents 1 to 3 and 6
to form a road as per the letter of the Tahsildar, dated 21.09.2021 in
S.No.104/8C in Karunkanni Village, Nagapattinam District, within a period of
six months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is allowed. There is no
order as to costs. Consequently, connected miscellaneous petition is closed.

[M.K.K.S., J] [V.S.G., J]
19.11.2021

Speaking order : Yes/No.
Index : Yes/No.
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To

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Nagapattinam District.
- 3.The President,
Karunkanni Village Panchayat,
Karunkanni, Nagapattinam District.
- 4.The Tahsildar,
Keezhaiyur Panchayat Union,
(For Karunkanni Village Panchayat),
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K.KALYANASUNDARAM, J.
and
V.SIVAGNANAM, J.

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