



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13807 of 2021

and

W.M.P(MD)No.10771 of 2021

WEB COPY

K.Elangovan

... Petitioner

Vs.

- 1.The District Collector,
Karur District, Karur.
- 2.The Tahsildar,
Kulithalai Taluk,
Karur District.
- 3.The Assistant Divisional Engineer,
State Highways Department,
NABARD and Village Roads, Karur.
- 4.The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 4 to make proper measurements before proceeding with the road development work in Pettavaithalai-Kavalkaranpatti Road in terms of the letter of the 3rd respondent made in Lr.No.6-2/2021/U dated 26.04.2021.

For Petitioner : Mr.R.Murali
For Respondents : Mr.R.Baskaran
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 to 4 to undertake measurements in his presence before proceeding with the road development work in Pettavaithalai-Kavalkaranpatti road.

2. The petitioner states that he is the owner of the property bearing Survey No.350/8A and that his son is the owner of the property bearing Survey No.350/11 in Neithaloor South Village, Kulithalai Taluk, Karur District. It is stated that a district road connects Pettavaithalai-Kavalkaranpatti road and that such road is under the control of the third and fourth respondents. According to



the petitioner, while developing the road, a new bridge was constructed and that, as a consequence, the alignment of the road has been changed such that it passes through the petitioner's land.

3. Consequently, the petitioner made objections in respect of such road development and, in response thereto, a communication dated 26.04.2021 was copied to the petitioner, whereby, the petitioner was informed that the land would be re-measured in the petitioner's presence after notifying the petitioner of the date of the proposed re-measurement. The petitioner seeks the enforcement of such requirement since considerable time has lapsed after the date of communication thereof.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the four respondents and submits that the authorities would act in terms of the communication dated 26.04.2021.

5. Accordingly, the respondents herein are directed to conduct re-measurement in the presence of the petitioner in terms of the communication dated 26.04.2021. Such re-measurement shall be carried out after providing prior notice to the petitioner within a period of two (2) months from the date of receipt of a copy of this order.

6. Learned counsel for the petitioner submits that the road development work in the area affecting the petitioner's property should not be carried out until such re-measurement is done. Accordingly, the respondents are permitted to carry out road development work in all areas. However, as regards the area affecting the petitioner's property, such development work shall be done after carrying out re-measurement in terms of this order.

7. W.P.(MD).No.13807 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10771 of 2021 is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Kulithalai Taluk,
Karur District.

3.The Assistant Divisional Engineer,
State Highways Department,
NABARD and Village Roads,
Karur.

4.The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Karur.

+1 CC to M/s.R.MURALI, Advocate (SR-25743[F] dated 10/08/2021)

+1 CC to M/s.GP (SR-26041[F] dated 12/08/2021)

W.P (MD) No.13807 of 2021
10.08.2021

RD(18.08.2021) 3P 7C