



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16353 of 2021

and

W.M.P. (MD) .No.13207 of 2021

R.Abdul Rahim

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.

4.The Block Development Officer,
Vedasandur Panchayat Union,
Vedasandur, Dindigul District.

5.The Inspector of Police,
Vedasandur Police Station,
Vedasandur, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from damaging and forming road on the pond and bank of pond situated in Survey Nos.117/1A2, 117/1A3 and 117/3 situated at V.Pudukottai Village, Vedasandur Taluk, Dindigul District based on the petitioner's representation dated 20.08.2021.

For Petitioner : Mr.G.Gomathi Sankar

For R1 to R3 &

R5

: Mr.P.Subbaraj,
Counsel for State

For R4

: Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks to prevent the formation of a road on the bank of a pond situated in Survey Nos.117/1A2, 117/1A3 and 117/3 at V.Pudukottai Village, Vedasandur Taluk, Dindigul District.



2. The petitioner claims title to the above mentioned property through a partition deed executed in the year 1941 under Document No.346/1941. According to the petitioner, the 'A' Schedule property under the partition deed was allotted to the share of his grandmother, namely, Mrs.Kadhisha Beevi. Pursuant thereto, it is stated that the petitioner and his family are in possession and enjoyment of the said property for more than 100 years. The petitioner states that Survey No.117/1 was subdivided as 117/1A, 117/1A1, 117/1A2 and 117/1A3. A pond is located in the subdivided Survey No.117/1A3 and the bank of the pond is in Survey No.117/1A2.

3. According to the petitioner, six families reside in Kethampatti, which is adjoining the pond. Such persons have constructed houses and may access their houses through an available pathway. In these circumstances, it is alleged that, at the instance of two persons from Kethampatti Village, a complaint was made to the third respondent. Pursuant thereto, it is stated that the third respondent is taking steps to form a road or pathway cutting through the petitioner's land. The present Writ Petition is filed to prevent the formation of such road in these facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and 5 and Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the fourth respondent. Mr.P.Subbaraj refers to the minutes of the Peace Committee Meeting held on 28.02.2021. On such basis, he points out that it was decided therein that the pathway would be formed in the interest of persons residing in the relevant Village. He also points out that the petitioner has signed the minutes of the Peace Committee Meeting.

5. In support of his interest in and title to the property, the petitioner has enclosed the partition deed executed in 1941. In addition, he refers to the extract of the Adangal which indicates the name of the petitioner as regards Survey Nos.117/1A2 and 117/1A3. Therefore, the petitioner is entitled to the consideration of his representation before further action is taken.

6. Accordingly, without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's representation dated 20.08.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and other members of the Village who may be affected by a decision on the petitioner's representation. Such reasoned decision shall be issued within a period of two (2) weeks from the date of receipt of a copy of this order.



7. W.P.(MD).No.16353 of 2021 stands disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.13207 of 2021 stands closed.

Sd/-

Assistant Registrar (W)

// 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,
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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Vedasandur, Dindigul District.
- 4.The Block Development Officer,
Vedasandur Panchayat Union,
Vedasandur, Dindigul District.
- 5.The Inspector of Police,
Vedasandur Police Station,
Vedasandur, Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-29042[F]
dated 14/09/2021)

+1 CC to M/s.SPL. GP (SR-29085[F] dated 15/09/2021)

W.P (MD) No.16353 of 2021

14.09.2021

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