



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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W.P. (MD)No.17633 of 2021

N.Murugesan

... Petitioner

Vs.

1. The District Collector,
Trichy District.
2. The Superintendent of Police,
Trichy District.
3. The Tahsildar,
Thottiyam Taluk,
Trichy District.
4. The Inspector of Police,
Thootiyam Taluk,
Trichy District.
5. The Block Development Officer,
Village Panchayat,
Thottiyam Union,
Trichy District.
6. The President,
Unniyur Village Panchayat,
Thottiyam Union,
Trichy District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to lay the tar road from moonkilpatti to kunchayur situate in moonkilpatti village S.No.145/1, 148/1 and 151/1, Thottiyam Taluk, Trichy District.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.K.S.Selva Ganesan,
Counsel for the State for R1 to R4

Mr.A.K.Manikkam for R5
Mr.K.Hema Karthikeyan for R6



O R D E R

The petitioner seeks a direction for laying a tar road from Moonkilpatti to Kunchayur at Moonkilpatti Village.

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2. The petitioner states that he is an agriculturist who resides in the above mentioned Village. There is a mud road connecting Moonkilpatti and Kunchayur. The distance is about 700 metres. The petitioner states that the relevant parcels of land are classified in the revenue records as "Cart Track". In order to carry out agricultural activities and to transport the harvest in relation thereto, it is stated that a tar road should be laid between Moonkilpatti and Kunchaiyur. The present writ petition is filed for such purpose.

3. Mr.K.s.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4, Mr.A.K.Manikkam, learned counsel, accepts notice on behalf of the fifth respondent and Mr.K.Hema Karthikeyan, learned counsel, accepts notice on behalf of the sixth respondent.

4. Mr.Selva Ganesan submits that the survey of the relevant land is necessary so as to ascertain as to whether there are any encroachments thereon. He submits that this process should be completed before the road laying is undertaken. The sixth respondent points out that there are objectors with regard to the laying of the tar road.

5. The petitioner has enclosed the 'A' Register pertaining to the three relevant survey numbers. Survey No.145/1 is classified as "Arasu Poramboke". Survey No.148/1 is also classified as "Arasu Poramboke" and as "Vandi Pathai". Likewise Survey No.151/1 is also classified as "Arasu Poramboke and Vandi Pathai". As such, *prima facie* it appears that the relevant lands are public lands. The petitioner has also adverted to a resolution passed by the Panchayat in respect of the laying of a tar road. Thus, it appears that it should be feasible to lay a tar road so as to enable ease of transportation for the residents and particularly the agriculturists in the vicinity. However, the executive authorities should decide on the length, alignment and other aspects.

6. Accordingly, W.P(MD).No.17633 of 2021 is disposed of by directing the respondents to take necessary action on the petitioner's request for the laying of such tar road after carrying out all preparatory activities in such regard, including a survey. The entire process should be completed within a period of three months from the date of receipt of a copy of this order. A reasonable opportunity may be provided to the petitioner and any



other person who would be affected by this issue before a final decision is taken thereon. There will no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Trichy District.
2. The Superintendent of Police,
Trichy District.
3. The Tahsildar,
Thottiyam Taluk,
Trichy District.
4. The Inspector of Police,
Thootiyam Taluk,
Trichy District.
5. The Block Development Officer,
Village Panchayat,
Thottiyam Union,
Trichy District.
6. The President,
Unniyur Village Panchayat,
Thottiyam Union,
Trichy District.

+1 CC to M/s.SPL.GP (SR-31028[F] dated 04/10/2021)

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-30925[F] dated 01/10/2021)

+1 CC to M/s.V.PANNEER SELAM, Advocate (SR-30829[F] dated 30/09/2021)

W.P. (MD) No.17633 of 2021

30.09.2021

=RD(11.10.2021) 3P 10C