



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.18112 of 2021

V.Nagalinam

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Peravurani Taluk Office,
Peravurani,
Thanjavur District.

4.The Block Development Officer,
Sethubavachathiram Panchayat Union,
Peravurani Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third and fourth respondents to consider the representation of the petitioner dated 03.02.2021 and consequently forbear the third and fourth respondents not to lay any road on the petitioner's patta land bearing Survey No.157/14 measuring an extent of 3 cents and 157/15 measuring an extent of 2 cents situated at Adidravidar Street, Udayanadu Village, Peravurani Taluk, Thanjavur District within the time stipulated by this Court.

For Petitioner : Mr.C.Bharathi

For R-1 to R-3 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-4 : Mr.R.Ragavendran



ORDER

The petitioner claims that he has patta for lands in Survey No.157/14 measuring 3 cents and in Survey No.157/15 measuring 2 cents in Adidravidar Street, Udayanadu Village, Peravurani Taluk, Thanjavur District.

2. The petitioner had given a representation on 03.02.2021 primarily to the fourth respondent / the Block Development Officer, Sethubavachathiram Panchayat Union, Peravurani Taluk, Thanjavur District and also incidentally to the third respondent / the Tahsildar of the Peravurani Taluk Office.

3. The petitioner is under an apprehension or belief that the fourth respondent has plans to lay a road over the patta lands of the petitioner for allegedly reaching the cremation ground. Naturally, if the petitioner has objections for laying of roads, he must be heard before such a decision is taken. He has not been heard, but rather it is alleged by the learned counsel for the petitioner that the officials came and inspected the property. This has made the petitioner initially to give a representation and later to file this Writ Petition.

4. Heard Mr.C.Bharathi, learned counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader who appears for respondents 1, 2 and 3 and Mr.R.Ragavendran, learned counsel for the fourth respondent.

5. A direction is given to the fourth respondent to consider the petitioner's representation dated 03.02.2021. There is also every possibility that the fourth respondent would have misplaced the representation taking into account that it was given earlier about ten (10) months back. Therefore, the petitioner is given an opportunity to give a fresh representation specifically mentioning the relief he actually wants. It is hoped that in the said representation, he would give an alternate route for the fourth respondent to lay a road which would actually indicate that the petitioner is also desirous of the concept of laying a road but it should not be laid across his patta land.

6. Therefore, a proper representation may be given to the fourth respondent within a period of two (2) weeks from the date of receipt of a copy of this order by the petitioner. Prior to commencement of any work, if at all the fourth respondent is in favour of commencing any work, the petitioner may be heard, the documents of the petitioner should be examined and thereafter, a considered order in writing must be passed by the fourth respondent. Such order should be passed within a further period of three (3) weeks from the date of receipt of the representation from the petitioner.



7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
- 3.The Tahsildar,
Peravurani Taluk Office,
Peravurani,
Thanjavur District.
- 4.The Block Development Officer,
Sethubavachathiram Panchayat Union,
Peravurani Taluk,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-37908[F] dated 09/12/2021)

W.P (MD) No.18112 of 2021
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RD(21.12.2021) 3P 6C