



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.20603 of 2014

and M.P. (MD)No.1 of 2014

(Through Video Conference)

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O.Jeyakannan

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Divisional Engineer,
Highways Department,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents in any way further extending the Batlagundu - Aundipatty road running through the petitioner's patta land bearing survey number 4/3 in Puliman Kombai Village, Aundipatti Taluk, Theni District.

For Petitioner : Mr.J.Parekh Kumar
For Mr.E.R.Gurubalachandran

For Respondents : Mrs.B.Bhagawathy,
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus forbearing the respondents from laying any road in the patta land belonging to the petitioner at S.No.4/3 in Puliman Kombai Village, Aundipatti Taluk, Theni District.

2. The case of the petitioner is that the subject property was purchased through the registered sale deed dated 07.06.2004. The Patta Passbook was also given in the name of the petitioner wherein the subject property was also mentioned in the Patta Passbook found at page no.11 of the typed set of papers.

3. The grievance of the petitioner is that the respondents who were carrying on with the work of extending the Batlagundu - Aundipatti road, were attempting to lay the road in the patta land belonging to the petitioner. The petitioner made several representations in this regard and the same were not considered. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The respondents have not chosen to file any counter affidavit in this case and hence, this writ petition is disposed of

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based on the materials available on record.

5. Heard Mr.J.Parekh Kumar, learned counsel for the petitioner and Mrs.B.Bhagawathy, learned Government Advocate appearing for the respondents.

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6. It is clear from the materials available on record that the subject property absolutely belongs to the petitioner and the same is clear from the registered sale deed dated 07.06.2004 and also the Patta Pass Book issued in the name of the petitioner in the year 2005. It is also seen that the petitioner has been paying the kist for the subject property. Therefore, if at all the respondents want to utilise the patta lands belonging to the petitioner, they can do so only by following the due process of law and the petitioner cannot be deprived of his land otherwise. Such a guarantee has been given by the Constitution of India under Article 300 (A).

7. In view of the same, this Writ Petition is disposed of with a direction to the respondents not to lay any road over the patta lands belonging to the petitioner and if at all they require the property, it can only be acquired under the relevant Enactment.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected M.P.(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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, Theni District.

2.The Divisional Engineer, Highways Department,
Theni District.

+1 CC to Mr. Special Government Pleader, SR.No. 17934

Order made in

W.P. (MD)No.20603 of 2014

TR(17.06.2021) 2P 4C