



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**W.P. (MD) .No.5173 of 2014
and
M.P. (MD) .No.1 of 2014**

M.A.Jainul Kuthpudin

... Petitioner

Vs.

1.The District Collector,
Tuticorin District.

2.The Tahsildar,
Tiruchendur Taluk,
Tuticorin.

3.The Block Development Officer,
Tiruchendur,
Tuticorin District.

4.The Project Officer,
Prime Minister's Village Road Development Scheme,
Tiruchendur,
Tuticorin District.

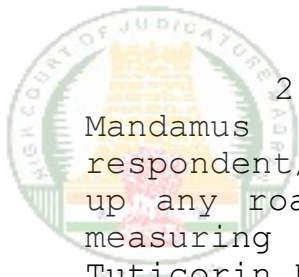
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents herein from in any manner proceeding with the formation of road in the petitioner's property 3.97 acres in S.No.635/3 situated in Kandasamipuram Village, Tiruchendur Taluk, Tuticorin and consequently direct the respondents herein to restore the patta land to the petitioner with suitable compensation for unlawful encroachment and causing damage to the petitioner's property together with interest, within a reasonable time.

For Petitioner : No appearance
For R-1 and R-2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R-3 : Mr.M.Rajarajan

ORDER

There is no representation on behalf of the petitioner but let me not keep the Writ Petition pending on the board of this Court any longer. The Writ Petition if kept would only disappear within the interim and not be considered for another five years.



2. The relief sought for in the Writ Petition is for Mandamus forbearing the respondents particularly the third respondent/the Block Development Officer in Tiruchendur not to put up any road in the property of the petitioner in Survey No.635/3 measuring 3.97 acres in Kandasamipuram Village, Tiruchendur Taluk, Tuticorin District.

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3. Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and Mr.M.Rajarajan had already entered appearance on behalf of the third respondent.

4. The perusal of the records show that on 03.08.2016, learned Single Judge of this Court had observed that the road had not been formed in the patta land of the petitioner and that the respondents only had a proposal to relay an existing road. The said statement is reaffirmed and recorded. The Writ Petition is disposed of. However, the petitioner is given an opportunity to approach any authority/Court again if the respondents once again attempt to put up road in the aforesaid survey number.

5. A direction is also given to the third respondent that if at all there is a proposal to put up the road in the aforesaid survey number namely Survey No.635/3 in Kandasamipuram Village, Tiruchendur Taluk, then the petitioner must be put on notice. Objections must be heard and only thereafter the said respondent can proceed further for putting up any road or for any other construction.

6. With the above observations this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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,
Tuticorin District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Tiruchendur Taluk,
Tuticorin.

3.The Block Development Officer,
Tiruchendur,
Tuticorin District.

4. The Project Officer,
Prime Minister's Village Road Development Scheme,
Tiruchendur,
Tuticorin District.

+1 CC to M/s.M. RAJARAJAN, Advocate (SR-35577[F] dated 23/11/2021)

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19.11.2021

KM(CO)

KB(30.11.2021) 3P 6C