



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21309 of 2021

and WMP (MD) No.17877 of 2021

C.Lakshmi

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Block Development Officer,
(Village Panchayatas)
Panchayat Union,
Bodinayakanur,
Theni District.

3.The Tahsildar,
Taluk Office,
Bodinayakanur Taluk,
Bodinayakanur,
Theni District.

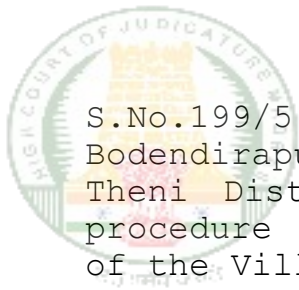
4.The Taluk Surveyor,
Bodinayakanur Taluk,
Bodinayakanur, Theni District.

5.The Village Administrative Officer,
Uppukottai-Bodendirapuram,
Office at Uppukottai,
Uppukottai Village,
Bodinayakanur Taluk,
Theni District.

6.The President,
Uppukottai-Bodendirapuram Panchayat,
Bodinayakanur Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from laying of Village Panchayat Public Road in and over the petitioner's absolute, exclusive private patta lands comprised in



S.No.199/5 of an extent of 7 cents situated at East Street, Bodendirapuram Village, Uppukottai Panchayat, Bodinayakanur Taluk, Theni District except in accordance with law and to follow due procedure established under law before any action taken for laying of the Village Public Panchayat Road.

WEB COPY

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.S.Kameswaran
Government Advocate (for RR1, 3 to 6)

Mr.P.T.Thiraviam
Government Advocate (for R2)

O R D E R

Mr.S.Kameswaran, learned Government Advocate, takes notice on behalf of respondents 1 and 3 to 6; and Mr.P.T.Thiraviam, learned Government Advocate, takes notice on behalf of the second respondent.

2.The Writ Petition has been filed in the nature of Writ of Mandamus, seeking a restraint against the respondents, particularly, the second respondent/Block Development Officer (Village Panchayatas), Panchayat Union, Bodinayakanur, Theni District, from entering into the petitioner's patta lands in S.No.199/5, measuring 7 cents, situated at East Street, Bodendirapuram Village, Uppukottai Panchayat, Bodinayakanur Taluk, Theni District.

3.The second respondent probably had an intention of laying a road. There is already an existing road. The petitioner claims that the second respondent, to lay a road or to expand the existing road, has intention of entering into the patta lands of the petitioner. For that purpose, to obtain clarity, the petitioner had applied for surveying the lands of the petitioner. This application has been made under proper procedures by online application and on payment of requisite fees.

4.Therefore, it is only an appropriate that the fourth respondent/Taluk Surveyor assists the third respondent/Tashildar to conduct survey in accordance with the said application, which is already on the desk of the third respondent. After conducting survey, let the second respondent invite the petitioner for enquiry, show him this result of survey. If the survey shows that the petitioner lands are not to be entered upon for construction of a road, the petitioner will not have any grievance. If the second respondent is to enter into the lands of the petitioner for construction of the road, then the petitioner has a reasonable right to claim compensation for the lands, which are taken up for the purpose of construction of road.



5.I am confident that the respondents 3 and 4 would therefore take upon themselves, the responsibility of conducting survey in accordance with the application already given by the petitioner and complete that particular exercise within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the second respondent may enter into a discussion with the petitioner and take a further decision in accordance with the result of the survey within a period of four further weeks therefrom.

6.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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.

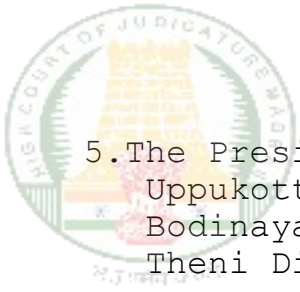
To

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Taluk Office,
Bodinayakanur Taluk,
Bodinayakanur,
Theni District.

3.The Taluk Surveyor,
Bodinayakanur Taluk,
Bodinayakanur,
Theni District.

4.The Village Administrative Officer,
Uppukottai-Bodendirapuram,
Office at Uppukottai,
Uppukottai Village,
Bodinayakanur Taluk, Theni District.



5.The President,
Uppukottai-Bodendirapuram Panchayat,
Bodinayakanur Taluk,
Theni District.

+1 CC to M/s.P.T.THIRAVIYAM, Advocate(SR-37264[F] dated
03/12/2021)

+1 CC to M/s.A.SARAVANAN, Advocate (SR-36924[F] dated 02/12/2021)

+1 CC to M/s.SPL GP (SR-37212[F] dated 03/12/2021)

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MGJ(14.12.2021) 4P 9C