



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.22684 of 2021

and

W.M.P (MD) .No.19169 of 2021

WEB COPY

1.Karuppusamy

2.Gopal

3.Sadhasivam

4.Gunasekaran

5.N.Chellamuthu

6.Ramasamy

... Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
Ottanchathiram Panchayat Union,
Ottanchathiram,
Dindigul District.

3.The Divisional Engineer,
Highways,
(Construction and Maintenance),
Palani, Dindigul District.

4.The Divisional Engineer,
Highways,
NABARD & Village Roads,
Madurai Division.

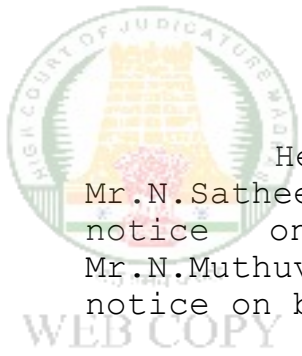
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey the land on the either side and fix the boundary of the existing road and form a canal for either side of the road, based on the petitioner's representation dated on 28.07.2021 within the stipulated period by this Court.

For Petitioners : Mr.S.Sadeskumar

For R-1, R-3 and R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-2 : Mr.N.Muthuvijayan,
Special Government Pleader.



ORDER

Heard Mr.S.Sadeskumar, learned counsel for the petitioners, Mr.N.Satheesh Kumar, learned Additional Government Pleader who takes notice on behalf of the respondents 1, 3 and 4 and Mr.N.Muthuvijayan, learned Special Government Pleader who takes notice on behalf of the second respondent.

2. The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents particularly the fourth respondent, to, before laying a road, survey the lands on either side, fix the boundary lines of the road and form a canal on either side of the road. The petitioners have given a representation on 28.07.2021 in this regard.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioners have agricultural lands in the said area and that the fourth respondent had commenced to lay a road. It is also stated that the petitioners have given a representation seeking that the boundaries of the road must be first demarcated and the canal must be formed. The petitioners apprehend that the road might be laid into their patta lands.

4. It is stated by Mr.S.Sadeskumar, learned counsel for the petitioners that the fourth respondent had already addressed the Tahsildar of Ottanchathiram that necessary survey must be conducted prior to laying of the road, and that the road boundaries must also be fixed and the canal must also be laid. In this connection, an internal communication dated 07.12.2021 had also been forwarded by Mr.N.Satheesh Kumar, learned Additional Government Pleader.

5. A direction is issued to the Tahsildar, while conducting the said survey, may also take note of the representation given by the petitioners and the petitioners may also be present while the said survey is conducted. No further orders are required in the present Writ Petition.

6. This Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS II)

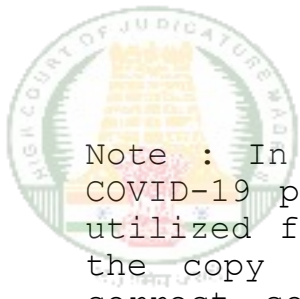
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/ /2022

Sub Assistant Registrar(CS)

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



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,
Dindigul District,
Dindigul.
- 2.The Block Development Officer,
Ottanchathiram Panchayat Union,
Ottanchathiram,
Dindigul District.
- 3.The Divisional Engineer,
Highways,
(Construction and Maintenance),
Palani,
Dindigul District.
- 4.The Divisional Engineer,
Highways,
NABARD & Village Roads,
Madurai Division.

Copy to:

The Tahsildar,
Ottanchathiram,
Dindigul District.

+1 CC to M/s.SPL GP (SR-40491[F] & SR-40452[F] dated 27/12/2021)

W.P. (MD) .No.22684 of 2021
23.12.2021

MGJ(12.01.2022) 3P 7C