



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2372 OF 2022

AND

W.M.P.NO.2533 OF 2022

K.Padmanabhan

... Petitioner

Vs.

1. District Collector,
Office of the District Collectorate,
90, Mettu Street, Senthamangalam,
Namakkal District.
2. The Tahsildar,
Office of Tahsildar,
Senthamangalam, Senthamangalam Taluk,
Namakkal District.
3. Block Development Officer (BDO)
Senthamangalam, Senthamangalam Taluk,
Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue appropriate instruction to the 2nd and 3rd respondents to measure the land comprised in Survey Nos.305/4, 305/5, 305/6, Belukuruchi Village, Namakkal District and consequently desist the 2nd and 3rd respondents from laying tar road over any part of the private patta land or private pathway comprised in Survey No.305/5 Belukuruchi Village, Namakkal District morefully described in the Writ Schedule hereunder belonging to the petitioner, by considering the petitioner's representation dated 20.12.2021, within a time frame fixed by this Court.

SCHEDULE

All that piece and parcel of the land measuring an extent of 80 Cents (or 32 Ares) of land comprised in Survey No.305/5 (including the private pathway formed from and out of the land



in Survey No.305/5) as per Patta No.708 in Belukurichi Village, Belukurichi Post, Pallipatti, Namakkal District.

WEB COPY

For Petitioner	:	Mr.I.Jenkins William
For R1, 2	:	Mr.G.Nanmaran Special Government Pleader
For R3	:	Mr.M.Alagu Gowtham Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the 1st respondent to issue appropriate instruction to the 2nd and 3rd respondents to measure the land comprised in Survey Nos.305/4, 305/5, 305/6, Belukuruchi Village, Namakkal District and consequently desist the 2nd and 3rd respondents from laying tar road over any part of the private patta land or private pathway comprised in Survey No.305/5 Belukuruchi Village, Namakkal District morefully described in the Writ Schedule hereunder belonging to the petitioner, by considering the petitioner's representation dated 20.12.2021, within a time frame fixed by this Court.

2. The case of the petitioner is that the petitioner is the owner of the property measuring an extent of about 80 cents comprised in Survey No.305/5 in Pallipatti Village, Belukuruchi. The grievance of the petitioner is that the respondents are wrongly laying tar roads in the petitioner's private land in Survey No.305/5. In spite of the representation given by the petitioner, the same has not been considered and order passed on it, which resulted in the filing of the present Writ Petition.

3. The learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 1st respondent to issue appropriate instruction to the 2nd and 3rd respondents from laying tar roads over any part of the private patta land or private pathway based on petitioner's representation dated 20.12.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Government Advocate and learned Special Government Pleader for the respondents have no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st



respondent to consider the petitioner's representation dated 20.12.2021 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order after providing opportunity of hearing to the aggrieved persons, if any.

6. This Writ Petition is accordingly is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

jd/rli

To

1. The District Collector,
Office of the District Collectorate,
90, Mettu Street, Senthamangalam,
Namakkal District.
2. The Tahsildar,
Office of Tahsildar,
Senthamangalam, Senthamangalam Taluk,
Namakkal District.
3. The Block Development Officer (BDO)
Senthamangalam, Senthamangalam Taluk,
Namakkal District.

+1cc to Mr.I.Jenkins William, Advocate, S.R.No.9468

+1cc to the Government Pleader, S.R.No.9898

W.P.No.2372 of 2022
and
W.M.P.No.2533 of 2022

GJ(CO)
RLP(09/03/2022)