



W.P.Nos.20908 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.20908 of 2022

and

W.M.P.No.19939 of 2022

P.K.Ramasamy

Petitioner

Vs.

1. The District Collector,
Namkkal District Collectorate,
Tiruchengode Main Road,
Namakkal District.
2. The Tahsildar,
Mahanur Road,
Namakkal Town.
3. The Firka Land Surveyor,
Sellappampatti,
Namakkal Taluk & District.
4. The Village Administrative Officer,
Elur Village,
Namkkal Taluk & District.
5. Pannaiyappan

. . . Respondents



W.P.Nos.20908 of 2022

PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, or any other appropriate writ, order or direction in the nature of a writ to call for the records leading to the impugned proceedings of the 3rd respondent dated 'Nil' served by te 4th respondent on 02.08.2022 on the petitioner based on the Jamabandhi petitioner No.3632195 dated 25.05.2022 and quash the same.

For Petitioner : M/s. C.Jagadish

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

The present petition has been filed seeking to quash the undated impugned proceedings of the 3rd Respondent which came to be served by the 4th Respondent on 02.08.2022.

2.Since no adverse order is being passed against the 5th Respondent, notice to the 5th respondent.

3. It is the case of the petitioner that he is the absolute owner of the subject property in S.Nos.277/1B, 277/3B, 278/1, 279/11 and 280 in Elur Village, Namakkal Taluk and District by way of a registered Partition deed



W.P.Nos.20908 of 2022

dated 05.05.1986, wherein the petitioner had put up a cart track for the purpose of reaching his residence and the poultry farm in survey Nos.277/1B & 279/1A. While being so, on the basis of the representation dated 25.05.2022 made by the 5th Respondent, the respondents 3 & 4 are attempting to survey the lands classified as a pathway for the purpose of formation of road. Aggrieved by the same, the petitioner made his objections to respondents 3 & 4, pursuant to which, the petitioner's property was left undisturbed. Thereafter, the petitioner sent a legal notice to the official respondents stating that the lands sought to be surveyed are the private lands of the petitioner. While being so, the impugned proceedings came to be passed by respondents 3 & 4. Hence, the present petition has been filed.

4. Learned counsel for the petitioner submits that the private lands cannot be utilized for the public purpose, without due process of Acquisition. The Petitioner's land being a private land, the same cannot be utilized for the purpose of road formation as no acquisition proceedings have been initiated against the said land. In the absence of any such



W.P.Nos.20908 of 2022

proceedings, the 3rd Respondent have no authority to survey the petitioner's land. Hence, it would suffice, if this Court issues a direction to the respondents to consider the petitioner's objection and pass appropriate orders on the same.

5. On the above contentions, this Court heard the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. In view of the limited relief sought for by the learned counsel for the petitioner, this Court without going into merits of the case, directs the respondents 3 & 4 to consider the objections dated 13.06.2022 made by the petitioner and pass appropriate orders on the same in accordance with law after affording an opportunity of personal hearing to the petitioner as well as the aggrieved parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.Nos.20908 of 2022

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

10.08.2022

NHS

Index : Yes / No

Internet : Yes / No

To

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W.P.Nos.20908 of 2022

M.DHANDAPANI, J.

NHS

W.P.No.20908 of 2022

10.08.2022