



WEB COPY



W.P.No.25484 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25484 of 2022

N.S.Madheswaran

... Petitioner

Vs.

1.The District Collector,
Krishnagiri – 635 115.

2.The District Revenue Officer,
Krishnagiri – 635 115.

3.The Sub Collector,
Hosur – 635 109,
Krishnagiri District.

4.The Tahsildar,
Soolagiri – 635 117,
Krishnagiri District.

5.The Block Development Officer,
Soolagiri – 635 117,
Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to remove the road laid in the petitioner patta land in S.No.453/1, New S.No.453/1B measuring to an extent of 1.70 acres (0.69.00 hect) situated at Sanamavu Village, Soolagiri Taluk, Krishnagiri District.



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For Petitioner : Mr.M.Mohamed Riyaz
For R1 to R4 : Mr.T.K.Saravanan,
Government Advocate
For R5 : Mr.K.Tippu Sultan,
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to remove the road laid in the petitioner's patta land in S.No.453/1, New S.No.453/1B, measuring to an extent of 1.70 acres (0.69.00 hect) situated at Sanamavu Village, Soolagiri Taluk, Krishnagiri District.

2. The case of the petitioner is that he is the absolute owner of the aforesaid property, through a registered Sale Deed, dated 26.07.2007, vide Doc.No.4640 of 2007 on the file of Sub Registrar Office, Kelamangalam. Subsequently, the Patta was issued in respect of S.No.453/1B in favour of the petitioner, vide Patta No.1153. The grievance of the petitioner is that, on the Western side of his property, a public road was existing and instead of laying the road in the portion earmarked for that purpose, the authorities had started to lay the road in his Patta land. Therefore, the petitioner made a representation dated 25.10.2021 before the respondents, seeking for removal of road laid in his Patta land. On receipt of such representation, the first



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respondent by proceedings in O.Mu.No.2245/2022/J2 dated 11.02.2022

instructed the fifth respondent to take appropriate action with regard to the road laid in the petitioner's property. Pursuant to that, on 18.04.2022, the fifth respondent by a proceeding in Na.Ka.No.2146/2021/A3 sent a communication to the fourth respondent to measure the aforesaid property, so as to ascertain, whether there is any illegal formation of road laid in petitioner's land. However, till date the recommendation made by the fifth respondent was not considered. Hence, the petitioner filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the fourth respondent to implement the order dated 18.04.2022 passed by the fifth respondent as per the direction of the first respondent within a particular time frame that to be fixed by this Court.

4. The learned Government Advocate appearing for the respondents has no objection for the said order being passed.



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5. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to measure and demarcate the petitioner's property as per the direction of the first respondent and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order: Yes/ No
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To

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M.DHANDAPANI, J.,

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