



WEB COPY



W.P.No.32959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32959 of 2022
and WMP.No.32355 of 2022

E.Sulochana

... Petitioner

-Vs-

1. The District Collector,
Thiruvannamalai District.

2. The Revenue Divisional officer,
Arani, Thiruvannamalai District.

3. The Tahsildar,
Kalasapakkam Taluk,
Thiruvannamalai District.

4. The Block Development Officer(Village Panchayat)
Kalasapakkam Taluk,
Thiruvannamalai District.

5. The President,
Pattiyanthal Panchayat Board,
Kalasapakkam Panchayat Union,
Thiruvannamalai District.

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents either jointly (or) severally from laying roads in petitioners patta land comprised in S.No.974/2, 3.80 acres and 983/1C.0.51 cents



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situated at Kadaladi Village, Thiruvannamalai District.

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For Petitioner : Ms.R.T.Sundari

For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1to R3]

Mr.S.John. J.Raja Singh
Additional Government Pleader
[R4 & R5]

ORDER

The prayer sought for herein is for a writ of mandamus forbearing the respondents either jointly (or) severally from laying roads in petitioners patta land comprised in S.No.974/2, 3.80 acres and 983/1C.0.51 cents situated at Kadaladi Village, Thiruvannamalai District.

2. It is a case of the petitioner that, she is having the patta land comprised in S.No.974/2 for 3.80 acres and S.No.983/1 for 0.51 cents at Kadaladi Village, Thiruvannamalai District.

3. In respect of the said patta land of the petitioner, the respondents wanted to lay a public road without even acquiring the land and without even going for any negotiation with the petitioner for acquiring the land,



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therefore, such kind of proposal or act on the part of the respondents to lay a public road on the petitioner's patta land cannot be permitted to go on. Therefore, she seeks for a writ of mandamus forbearing the respondents from laying the road in the petitioner's patta land.

4. Heard Ms.R.T.Sundari, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seek indulgence of this Court to restrain the respondent stating unless they come forward to acquire the land in the manner known to law, they have no right to utilize the land belongs to the petitioner patta land for any public purpose and therefore, in this context, a prohibitory order can be issued by way of writ of mandamus against the respondents, he contended.

5. However Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.John J.Raja Singh, learned Additional Government Pleader appearing for the respondents 4 and 5 would submit that insofar as the alleged proposal to lay the road in the village concerned that too across the patta land belongs to the petitioner is concerned, it would be undertaken only after adopting the due process of law that means either the land would be acquired or the respondents



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would negotiate with the petitioner for acquiring the land and without which, the land belongs to the petitioner would not be utilized for any public purpose, he contended.

6. In view of the said stand taken by the learned Government Pleader appearing for the respondents of-course on instructions from the respondents, this Court feels that recording the same, this writ petition can be disposed of.

7. In that view of the matter, recording the said submission made by the learned Government Pleader appearing for the respondents, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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R. SURESH KUMAR, J.

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