



WEB COPY

**W.P.(MD)No.330 of 2022**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.330 of 2022

and

W.M.P. (MD)No.252 of 2022

S.Sundarammal

... Petitioner

vs.

1.The District Collector,  
Thoothukudi District, Thoothukudi.

2.The Tahsildar,  
Kayathar Taluk Office,  
Kayathar, Thoothukudi District.

3.The Block Development Officer,  
Kayathar Panchayat Union,  
Kayathar, Thoothukudi District.

4.The Inspector of Police,  
Kayathar Police Station,  
Kayathar, Thoothukudi District.

5.Karuppasamy

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forebear the first to third respondents herein from permitting the fifth respondent to construct the bus stop in the Survey No.556/2A1 and Survey No.556/2A2A, situated at Akilandapuram Village, Therkkulandhaikulam, Kayathar Taluk, Thoothukudi District and further directed the respondents to construct the bus stop in some other place based on the petitioner's representation, dated 13.12.2021 and 29.12.2021.

For Petitioner :Mr.G.Gomathi Sankar

For R1, R2 and R4 :Mr.S.Kameswaran

Government Advocate

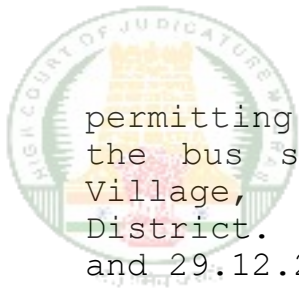
For R3 :No Appearance

\*\*\*\*\*

### **O R D E R**

This Writ Petition has been filed in the nature of a Mandamus seeking restraint against the first, second and third respondents/District Collector, Tuticorin, Tahsildar, Kayathar Taluk and Block Development Officer, Kayathar Panchayat Union from

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



permitting the fifth respondent/private individual from constructing the bus stop in S.No.556/2A1 and S.No.556/2A2A at Akilandapuram Village, Therkku Ilandhaikulam, Kayatharu Taluk, Thoothukudi District. The petitioner had given representations on 13.12.2021 and 29.12.2021 in this regard.

WEB COPY

2.In the affidavit filed in support of this Writ Petition, it had been stated that the lands in S.Nos.555/1, 556/1, 556/2A2A, 556/2A2C, 556/7 and 556/11A1 originally belonged to the mother of the petitioner, Sankarammal, who was in possession of the same. Patta and other revenue records stood in her name. After her death, the petitioner and his brothers, Govindan, Gopal, Mariyappan, Paramasivan and Sundaram, who are her legal heirs, inherited the properties. They are in possession. Thereafter, the petitioner's brothers, Govindan and Gopal passed away. Their legal heirs are also in possession.

3.The land in S.No.556/2A1 was acquired for forming a road from Kayathar to Kazhugumalai main road nearly 60 years back. The land in S.No.556/2A2A was used for pathway purposes to reach the agricultural lands.

4.The fifth respondent/contractor commenced construction of a bus stop in S.No.556/2A1 and also on a part of the land in S.No.556/2A2A. This obstructed the pathway, which is used by the petitioner and his family members to go to their agricultural lands. The petitioner had given representations. Since there was no response, the present Writ Petition came to be filed.

4.Heard Mr.G.Gomathi Sankar, learned Counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for first, second and fourth respondents.

5.Mr.S.Kameswaran, learned Government Advocate stated that on 05.01.2022, the Tahsildar, Kayathar Taluk, had given necessary instructions to the Block Development Officer, Kayathar Panchayat Union, who is the third respondent, to shift the two pillars at a distance of ten feet thereby, ensuring that there is no obstruction to the pathway and stated there is no construction over the patta land of the petitioner in S.No.556/2A2A.

6.It had been further stated that Mr.S.Kameswaran, learned Government Advocate that this instruction would be followed by the fifth respondent also.

7.An obligation is placed on the second and third respondents/Tahsildar and Block Development Officer to ensure that the patta land of the petitioner is not encroached while constructing the bus stop. The said bus stop can be constructed on the side of the road, but not in the patta land of the petitioner, which is the subject-matter of the complaint by the petitioner herein.



8. Recording the statement of the learned Government Advocate, who stated that a direction has been given to shift the two pillars with the distance of ten feet, this Writ Petition is disposed of. The Tahsildar may also forward a copy of the instructions given to the third respondent, to the petitioner, if he so requests. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,  
Thoothukudi District, Thoothukudi.

2.The Tahsildar,  
Kayathar Taluk Office,  
Kayathar, Thoothukudi District.

3.The Block Development Officer,  
Kayathar Panchayat Union,  
Kayathar, Thoothukudi District.

4.The Inspector of Police,  
Kayathar Police Station,  
Kayathar, Thoothukudi District.

+1 CC to M/s.SPL.GP ( SR-2365[F] dated 25/01/2022 )

+1 CC to M/s.G.GOMATHI SHANKAR, Advocate ( SR-2470[F] dated 25/01/2022 )

W.P.(MD)No.330 of 2022  
24.01.2022

RD(04.02.2022) 3P 7C