



W.P(MD)No.15480 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15480 of 2012

and

M.P(MD)No.2 of 2012

1.Poovayi Ammal

2.Shakthivel

3.Chellamuthu

... Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

3.The Assistant Engineer,
Rural Development,
Panchayat Union,
Oddanchatram Taluk,
Dindigul District.

4.The Block Development Officer/
Commissioner,
Panchayat Union Office,
Oddanchatram Taluk,
Dindigul District.

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5.The Panchayat President,
Puliyamarathukottai Panchayat,
Oddanchatram Union,
Dindigul District.

6.M.Palanichamy

... Respondents

7.P.Shankar

... Proposed Respondent

(R7 is impleaded vide Court order, dated
31.08.2017 in M.P(MD)No.1 of 2013)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 3 to 6 in anyway laying road in the properties in Survey Nos. 194/1D and 194/1E measuring an extent of 0.18.50 hectare and 2.71.50 hectare respectively at Puliyamarathukottai Village, Oddanchatram Taluk, Dindigul District.

For Petitioner	: Mr.M.P.Senthil
For R1 - R3	: Mr.P.Thambi Durai Government Advocate
For R4 - R6	: No Appearance
For R7	: Mr.S.R.Suresh Kumar

ORDER

The present writ petition has been filed seeking a writ of Mandamus forbearing the respondents from laying a road in Survey Nos. 194/1D and 194/1E.

2. The fourth respondent, namely, the Block Development Officer has filed a counter stating that after verification, the Government came to



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know that these two survey numbers are the private properties of the writ petitioner and they have also changed the scheme and laid the road in a different survey number. The said fact has been averred in paragraph no. 5 and 6 of the counter affidavit filed by the fourth respondent. The said fact is recorded. Since the official respondents have laid the road in a different survey number, the apprehension of the writ petitioner does not require to be adjudicated by this Court and this said Writ Petition is disposed of after recording the said statement.

3. According to the learned counsel for the seventh respondent herein, these two survey numbers do not belong to the writ petitioner, but they are Government properties. If such is the case, he is at liberty to approach the appropriate forum to decide the said issue.

4. This Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
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