



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.2016 of 2021

and

W.M.P. (MD) Nos.1711 and 7481 of 2021

M.Murugesan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Vellaripatti,
Melur.

3.The Municipal Commissioner,
Thiruvathavur Road,
Melur 625 106.

4.The Tahsildar,
Melur,
Madurai District.

5.Mathivanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forebear the respondents 3 and 4 from laying road in the patta land of the petitioner in Old S.No.76/3C, 76/3B, 76/6, 76/7, 76/1, 76/3D, 76/4, 76/5B and present town survey number is TS.No.5/2, ward C, Block-4 having an extent was 69 1/2 cents in which the southern side 4 ¼ cents of land comprised in S.No.5/2A till the disposal of the writ petition.

For Petitioner : Mr.T.K.Gopalan

For Respondents : Mr.M.Prakash,
Addl. Govt. Pleader for R1,R2&R4
Mr.J.Gunaseelan Muthiah for R3.
Mr.S.Manikandan for R5.

**ORDER**

Heard the learned counsel on either side.

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2.The property in question is admittedly the patta land of the writ petitioner. The official respondents were proposing to lay road across the same. It is open to the official respondents to do so, if the land in question had been acquired in the manner known to law. It is also possible, if it had been earmarked in the layout promoted by the writ petitioner or by his vendor. That is also not the case. The petitioner has not gifted the same. Looked at any from angle, there is no legal basis on which the officials respondents can propose to lay a road on the patta land of the writ petitioner.

3.Therefore, the officials respondents are restrained from laying any road on the petition mentioned land. The writ petition is allowed accordingly. I make it clear that allowing of this writ petition will not come in the way of the fifth respondent from establishing his rights in the manner known to law before the jurisdictional civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

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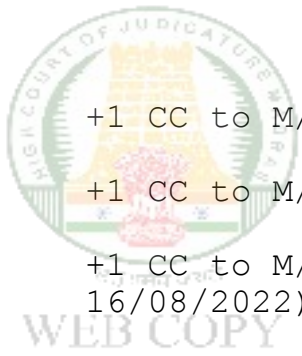
/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Vellaripatti,
Melur.
- 3.The Tahsildar,
Melur,
Madurai District.



W.P(MD)



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+1 CC to M/s.T.K.GOPALAN, Advocate (SR-37917[F] dated 16/08/2022)

+1 CC to M/s.S.MANIKANDAN, Advocate (SR-37921[F] dated 16/08/2022)

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-37965[F] dated 16/08/2022)

+1 CC to M/s.SPL.GP (SR-38427[F] dated 17/08/2022)

**ORDER MADE IN
W.P(MD) No.2016 of 2021
12.08.2022**

PKP/16.09.2022/3P/8C