



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6689 of 2022

and

W.M.P.[MD]No.5173 of 2022

WEB COPY

M.Maria Kamal @ M.Anthony Kamalraj

... Petitioner

Vs.

1.The Block Development Officer,
Block Development Office,
Lalgudi Via,
Trichy District.

2.The Special Tahsildar,
Trichy Collectorate,
Trichy - 620 001.

3.The Tahsildar,
Lalgudi,
Trichy - 621 601.

4.The Revenue Divisional Officer,
Lalgudi,
Trichy - 621 601.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the first respondent from laying any road in any manner with in the patta land of the petitioner's father located in natham survey No.140/2A (sub division No.140/2A2) and natham survey No.140/2K (sub division No.140/2K2) and further directing the respondents 2, 3 and 4 to verify and confirm the existing road in survey No.140 as per the revenue records / topo sketch.

For Petitioner : Mr.S.Sethu Mahendran

For Respondent No.1 : Mr.Ragavendran

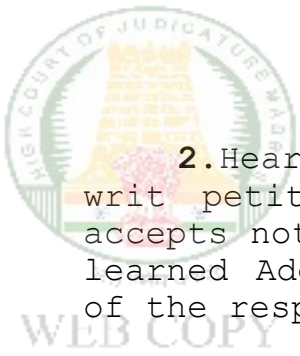
Government Advocate

For Respondents 2 to 4 : Mr.B.Saravanan

Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus to forbear the first respondent from laying any road in the petitioner's patta lands.



2. Heard Mr.S.Sethu Mahendran, learned Counsel appearing for the writ petitioner, Mr.Ragavendran, learned Government Advocate who accepts notice on behalf of the first respondent and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents 2 to 4.

3. A categorical stand has been taken by the petitioner in this writ petition that his patta lands are likely to be encroached by the official respondents for the purpose of laying a road. However, the same has been disputed by the learned Additional Government Pleader appearing for the respondents 2 to 4. The petitioner has produced the following documents in support of his contention:

- 'a) UDR patta dated 28.07.1987.
- b) Order passed by the Civil Court, Lalgudi in O.S.No.173/2008 dated 25.09.2014.
- c) Representation sent by the petitioner to the Block Development Officer dated 12.02.2022.
- d) Correspondence / order passed by the first respondent to survey the pathway in Survey No.140 dated 23.02.2022.
- e) Revenue records mentioning the sub-divisions in Survey No.140.
- f) Natham patta issued by the Special Tahsildar.
- g) Typographical sketch of the Jangamarajapuram Village, Lalgudi Taluk.'

4. Learned Counsel for the petitioner, on instructions would also submit that only after survey is done in respect of the entire Survey Nos.140 & 142, it can be ascertained as to whether the petitioner has encroached upon government land as alleged by the official respondents. He would also submit that the petitioner is willing to submit a fresh representation to enable the official respondents to consider the same on merits and in accordance with law. The said statement is recorded.

5. No prejudice would be caused to the respondents, if the petitioner's fresh representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

6. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a fresh representation seeking for survey and demarcation of Survey Nos.140 and 142 of Jangamarajapuram Village, Lalgudi Taluk, Trichy District and to forbear the respondents from laying road on the petitioner's patta land within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said representation, the third respondent is directed to pass final orders on the petitioner's representation within a period of three [3] months thereafter, after



affording a fair hearing to the petitioner including granting him the right of personal hearing.

7. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

18/04/2022

Sub Assistant Registrar (CS)

MR

To

1. The Block Development Officer,
Block Development Office,
Lalgudi Via,
Trichy District.

2. The Special Tahsildar,
Trichy Collectorate,
Trichy - 620 001.

3. The Tahsildar,
Lalgudi,
Trichy - 621 601.

4. The Revenue Divisional Officer,
Lalgudi,
Trichy - 621 601.

+1 CC to M/s.SPL.GP. (SR-18122[F] dated 12/04/2022)

ORDER MADE IN

W.P. [MD] No. 6689 of 2022

11.04.2022

SMV (CO)

TR(18.04.2022) 3P 6C