



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6789 of 2022

and

W.M.P.[MD]No.5229 of 2022

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K.P.L.Ramakrishnan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate Campus,
Gandhi Nagar, Madurai.

2.The Assistant Director,
Town Panchayat,
Madurai Region,
Collectorate, Gandhi Nagar,
Madurai.

3.The Block Development Officer,
Village Panchayat,
Melur Panchayat Union,
Melur, Madurai District.

4.The President,
Therku Theru Panchayat,
Therku Theru Village,
Melur Taluk, Madurai District.

5.A.V.A.Chakkaravarthi

6.Tamilmaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 4 from laying common road on my lands in Survey No.220/2A1 and 220/2A4 measuring an extent of 31 ½ cents in Therku Theru Village, Melur Taluk, Madurai District without acquiring the same as per law.

For Petitioner	: Mr.Mahaboob Fazil for Mr.T.Lajapathi Roy
For Respondents 1 & 2	: Mr.D.Sasikumar Additional Government Pleader
For Respondents 3 & 4	: Mr.J.John Rajadurai Government Advocate



O R D E R

This writ petition has been filed for a Mandamus seeking to forbear the respondents 1 to 4 from laying common road on the petitioner's lands in Survey No.220/2A1 and 220/2A4 measuring an extent of 31 ½ cents in Therku Theru Village, Melur Taluk, Madurai District.

2. According to the petitioner, he was the owner of 88 ½ cents in the aforementioned survey number. According to him, he gifted 54 cents on 23.12.1996 in favour of the Government for construction of a Primary Health Centre. According to him, the balance land measuring 31 ½ cents was retained by him and it belongs to him absolutely. According to him, the fifth respondent who is the fourth respondent's husband has encroached upon the petitioner's land and a road is proposed to be laid in the petitioner's land measuring 31 ½ cents referred to supra. The petitioner has given representations on 18.12.2021 and 20.12.2021 to the official respondents to forbear them from laying any road in the petitioner's property. Since the said representation has not been considered, the petitioner has filed this writ petition.

3. The petitioner has filed documents along with this writ petition which includes the sale deed standing in his name as well as the gift deed executed in the year 1996 in favour of the Government for 54 cents for the construction of a Primary Health Centre. The petitioner's representation is also enclosed along with the writ petition. It is for the official respondents to consider the same on merits and in accordance with law and pass final orders on the petitioner's representation seeking to forbear them from laying a road in a property which the petitioner claims that it is his absolute property.

4. No prejudice would be caused to the respondents if the representations of the petitioner dated 18.12.2021 and 20.12.2021, is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 5 and 6.

5. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representations dated 18.12.2021 and 20.12.2021, seeking to forbear the respondents 1 to 4 from laying common road in the lands in Survey No.220/2A1 and 220/2A4 measuring an extent of 31 ½ cents in Therku Theru Village, Melur Taluk, Madurai District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 5 and 6, including granting them the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order. Till final orders are passed, the *status quo* as on date shall be maintained by the official respondents.



6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The District Collector,
Madurai District,
Collectorate Campus,
Gandhi Nagar, Madurai.
2. The Assistant Director,
Town Panchayat,
Madurai Region,
Collectorate, Gandhi Nagar,
Madurai.
3. The Block Development Officer,
Village Panchayat,
Melur Panchayat Union,
Melur, Madurai District.
4. The President,
Therku Theru Panchayat,
Therku Theru Village,
Melur Taluk, Madurai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-18881[F] dated 18/04/2022)

+1 CC to M/s.SPL.GP. (SR-18864[F] dated 13/04/2022)

W.P. [MD]No.6789 of 2022

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MGJ(02.05.2022) 3P 7C