



W.P.(MD)No.9129 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.21136 of 2021 & 9129 of 2022

and

W.M.P(MD)Nos.17706 of 2021 & 6534 of 2022

W.P.(MD)No.21136 of 2021:

R.Punniyamoorthi

... Petitioner

Vs

1.The District Collector,
Pudukottai District,
Pudukkottai.

2.The Block Development Officer,
Gandharvakottai Panchayat Union,
Gandharvakottai Taluk,
Pudukkottai District.

3.The Tahsildar,
Gandharvakottai Taluk,
Pudukkottai District.

4.The President,
Ariyanipatti Village Panchayat,
Gandharvakottai Taluk,
Pudukkottai District.

... Respondents



W.P.(MD)No.9129 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents not to lay Tar road in petitioner's patta land comprised in S.F.Nos.134/9F, 134/9A, 114/2, 135/17, 135/15 and 135/10A situated in Gandharvakottai Taluk, Pudukkottai District.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 & R.3

Mr.M.Prakash
Additional Government Pleader for R.2 & R.4

W.P.(MD)No.9129 of 2022:

R.Punniyamoorthi

... Petitioner

Vs

1.The District Collector,
Pudukottai District,
Pudukkottai.

2.The Block Development Officer,
Gandharvakottai Panchayat Union,
Gandharvakottai Taluk,
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3.The Tahsildar,
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Pudukkottai District.



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4. The President,
Ariyanipatti Village Panchayat,
Gandharvakottai Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to exclude the petitioner's patta lands in S.F.Nos.134/9F, 134/9A, 114/2, 135/17, 135/15 and 135/10A situated at Ariyanaipatti Village, Gandharvakottai Taluk, Pudukkottai District, for the laying of road and restore the petitioner's lands to its original position on the basis of the third respondent's proceedings in Me.Mu.Ma/367/2021 dated 18.02.2022.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 & R.3

Mr.M.Prakash
Additional Government Pleader for R.2 & R.4

COMMON ORDER

Heard the learned counsel on either side.

2. The materials enclosed in the typed set of papers clearly show that the petition mentioned lands are the patta lands of the writ petitioner. If the authorities require them for laying a road then they must be acquired from the petitioner in the manner known to law. Without any acquisition proceedings it



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is not open to the respondents to lay a road across the petition mentioned lands.

As on date, no acquisition proceeding has been initiated.

3. It is therefore, directed that the respondents cannot lay any road on the petition mentioned lands. If the respondents want to lay road on the petition mentioned lands they have to necessarily acquire the same in the manner known to law.

4. With this liberty to the respondents, these writ petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.

13.07.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The District Collector,
Pudukottai District,
Pudukkottai.

2.The Block Development Officer,
Gandharvakottai Panchayat Union,
Gandharvakottai Taluk,
Pudukkottai District.



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3.The Tahsildar,
Gandharvakottai Taluk,
Pudukkottai District.

4.The President,
Ariyanipatti Village Panchayat,
Gandharvakottai Taluk,
Pudukkottai District.



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