



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15939 of 2021

and

W.M.P. (MD)No.12877 of 2021

WEB COPY

P.Veerapandi ... Petitioner

vs.

1.The District Collector,
Office of the Collector,
Madurai.

2.The Commissioner of Police,
Office of the Commissioner,
Alagarkovil Road, Madurai.

3.The Assistant Director of Panchayats,
Collector Office, Madurai.

4.The Tahsildar, Madurai East,
Tahsildar Office, Narasingam,
Othakadai, Madurai.

5.The Inspector of Police,
Silaiman Police Station, Madruai.

6.The Block Development Officer,
Block Development Office,
Madruai East, Madurai.

7.Ayyavu

8.Thangapandi

9.Marthandam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 26.08.2021 and consequentially, to direct the sixth respondent refrain from laying the pucca Thar Road in survey Nos.61/4, 61/4A, 61/4C, 61/4D and 55/4A with an extent of 2 acres 22 cents at Keelavadakoor village, Madurai District.

For Petitioner

:Mr.M.Mithun

For R1 to R5

:Mr.T.Amjad Khan

Government Advocate

For R6 and R8

:Mr.K.S.Selvaganesan

For R7 and R9

:No Appearance

**ORDER**

This Writ Petition has been filed for a Mandamus seeking for a direction to the official respondents to consider the petitioner's representation, dated 26.08.2021 and consequently, to refrain the sixth respondent from laying pucca thar road in S.Nos.61/4, 61/4A, 61/4C, 61/4D and 55/4A with an extent of 2 acres 22 cents at Keelavadakoor village, Madurai District.

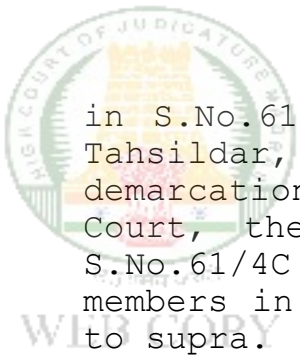
2.The petitioner claims that he and his family members are the owners of the aforementioned properties. According to him, Patta No.603 has been issued in favour of the petitioner and his family members in the year 2019. It is his case that the sixth respondent has made an attempt to lay a road in his property. In such circumstances, he has given a representation on 26.08.2021 to the official respondents to forbear them from laying the road in his property. Since the said representation has not been considered till date, he has filed this Writ Petition.

3.Heard Mr.M.Mithun, learned Counsel for the petitioner, Mr.Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of R1 to R5 and Mr.K.S.Selvaganesan, learned Counsel for R6 and R8.

4.The learned Counsel for the respondents 6 and 8 has placed before this Court the classification of the survey numbers, where, the road is going to be laid. He would submit that the land in S.No.61/4C, which the petitioner claims ownership, is a cart track. Further, he would submit that the road is not laid over the entire extent of S.No.61/4C, but only in a part of it. Insofar as the other survey numbers mentioned in the Writ Petition are concerned, the learned Counsel for the respondents 6 and 8 would submit that no road is going to be laid by the sixth respondent. The said statement is recorded.

5.The dispute involved in the present case can be resolved only after the survey and demarcation of boundaries of the petitioner's property comprised in S.No.61/4C. The properties comprised in the remaining survey numbers, namely, S.Nos.61/4, 61/4A, 61/4D and 55/4A are not involved in the construction of road and therefore, there is no necessity for survey and demarcation. Once, survey and demarcation is done in respect of S.No.61/4C, the dispute between the petitioner and the official respondents can be resolved. According to the official respondents, S.No.61/4C comprises of a larger extent of land which includes the land owned by the petitioner.

6.Even though the petitioner has sought for a different relief in the Writ Petition, namely, to refrain the sixth respondent from laying pucca thar road in his property, this Court deems it fit to direct the fourth respondent to conduct survey and demarcation of the petitioner and his family members' land comprised



in S.No.61/4C as per Patta No.603 issued in the year 2009 by the Tahsildar, measuring to an extent of 7 ares. After survey and demarcation of the boundaries is completed as directed by this Court, the sixth respondent shall continue to lay the road in S.No.61/4C excluding the land held by the petitioner and his family members in the very same survey number as per Patta No.603 referred to supra.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/C's)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Office of the Collector,
Madurai.
- 2.The Commissioner of Police,
Office of the Commissioner,
Alagarkovil Road, Madurai.
- 3.The Assistant Director of Panchayats,
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- 4.The Tahsildar, Madurai East,
Tahsildar Office, Narasingam,
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- 5.The Inspector of Police,
Silaiman Police Station, Madruai.
- 6.The Block Development Officer,
Block Development Office,
Madruai East, Madurai.

+1 CC to M/s.M.MITHUN, Advocate (SR-10432[F] dated 07/03/2022)

+1 CC to M/s.SPL GP (SR-10570[F] dated 08/03/2022)

W.P. (MD)No.15939 of 2021
07.03.2022

KG (CO)

KB(18.03.2022) 3P 9C

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