



W.P.(MD).No.21618 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21618 of 2022

S.Louis

... Petitioner

VS.

1. The District Collector,
Office of the District Collector,
Sivagangai District.
2. The Block Development Officer,
Office of the Block Development Officer,
Kalaiyarkovil Panchayat Union,
Sivagangai District.
3. The President,
Kalakanmai Village Panchayat,
Kalaiyarkovil Panchayat Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to lay road for 135 meter from church road to petitioner house at Kalluvali Village in Kalakanmai Village Panchayat and complete the work within the stipulated time by this Court.



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For Petitioner : Mr.S.Malaikani
For R1 : Mr.D.Gandhiraj
Special Government Pleader
For R2 & R3 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to lay a road for 135 meter from church road to petitioner house at Kalluvali Village in Kalakanmai Village Panchayat and complete the work.

2. The case of the petitioner is that there is no proper road from Church Road to the petitioner's house at Kalluvali Village in Kalakanmai Village Panchayat. Hence, the petitioner has approached the third respondent to lay a road. On his request, proceeding was initiated by the third respondent for getting necessary sanction from the first respondent. Thereafter, a resolution was also passed by the Panchayat. Subsequently, fund for laying a road on the entire 135 meter stretch was allotted. Even



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after work order was issued, no action was taken by the third respondent.

Therefore, he submitted a representation to the first respondent on 07.04.2022 and the same was forwarded to the second respondent. But no further action was taken. Hence, he filed a detailed representation to the respondents 1 and 2 to take necessary action to lay a road on the entire 135 meter. Since no action was taken by the respondents, the petitioner has approached this Court.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 on instructions from the authorities submitted that for the said project, work order was granted to the concerned contractors and accordingly, a road was laid for 70 meters. As regards the remaining 65 meters of road out of 135 meters, which has been sought for by the petitioner in this writ petition, it is seen that the other stretch of land belonging to private individuals which are Patta lands. There are many persons houses are situated in the area and unless and until the land belongs to the Panchayat, the road cannot be laid in a patta land.



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4. If the private individuals are willing to gift their land for laying the road, they are at liberty to approach the authorities for gifting their lands to the said Panchayat and if the Panchayat accepts the same for converting it as Panchayat road, then there is a possibility of laying a road as sought for by the petitioner. Till such time, the petitioner's prayer cannot be granted. Hence, this Writ Petition is dismissed. However, it is left open to the petitioner to seek for other remedies if any available to him. No costs.

27.09.2022

Index: Yes/No

Internet: Yes/No

akv

To

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3. The President,
Kalakanmai Village Panchayat,
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V.BHAVANI SUBBAROYAN,J.

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