



W.P.(MD)No.22615 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22615 of 2022
and
W.M.P.(MD)No.16784 of 2022

Krishnan, S/o.Thangadurai

.. Petitioner

Versus

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.The Block Development Officer,
Tiruparankundram Panchayat Union,
Madurai District.

4.The President,
Puliyangulam Village Panchayat,
Madurai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from laying any cement road in the petitioner's land in S.Nos.9/19 and 9/33 of Puliyangulam Village Group, Madurai South Taluk, Madurai District.

For Petitioner

:

Mr.V.Kannan



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For Respondents 1 & 2 : Mr.D.Sadiq Raja
Additional Government Pleader

For Respondents 3 & 4 : Mr.P.T.Thiraviam
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from laying any cement road in the petitioner's land in S.Nos.9/19 and 9/33 of Puliyangulam Village Group, Madurai South Taluk, Madurai District.

2.Heard Mr.V.Kannan, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader and Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondents 1 and 2 and 3 respectively. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that the land in S.No.9 of Puliyangulam Village Group, Madurai South Taluk, Madurai District, measuring an extent of 5 ¼ cents was originally purchased by his great grandfather namely, Murugan Ambalam on 10.07.1899. The said Murugan Ambalam had two sons, namely, Narayanasamy Ambalam and Vallappan Ambalam. The said land was inherited by Narayanasamy Ambalam and his legal heirs. A partition deed



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dated 25.07.1987, registered under Document No.3998 of 1987 with the Sub-Registrar, Ponmeni, was executed between the petitioner's grandfather Thangaraj Ambalam, *i.e.*, the son of Narayanasamy Ambalam and the legal heirs of Vallappan Ambalam. Under the said Partition Deed, the petitioner's grandfather Thangaraj Ambalam received about 1034 sq.ft. of land, the legal heirs of the said Vallappan Ambalam acquired about 1049 sq.ft. of land and the remaining 204 sq.ft. in the said land was agreed to be used as private pathway for both sides. The land in S.No.9 was given to the said Thangaraj Ambalam. Thereafter, the petitioner's father Thangadurai inherited the said land and thereafter, the petitioner has inherited the same. The said land was sub-divided as S.Nos.9/33, 9/27 and 9/19, in which, the lands in S.Nos.9/19 and 9/33 belong to the petitioner and the land in S.No.9/27 belongs to the legal heirs of the said Vallappan Ambalam. The private pathway between the said lands is a private arrangement between the two set of land owners only for their use. While so, the respondents 3 and 4 and their officials visited the petitioner's lands and took measurements for constructing a cement road on the petitioner's lands in S.Nos.9/19 and 9/33. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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4.The learned Government Advocate appearing for the third respondent, on instructions, submits that the authorities are going to lay a road only in S.No.9/27, which has been classified as "street" and there is no other proposal to lay a cement road in S.Nos.9/19 and 9/33 of Puliyangulam Village Group, Madurai South Taluk, Madurai District.

5.Recording the above said submission made by the learned Government Advocate appearing for the third respondent, this Writ Petition is disposed of. No costs.

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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