



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P. [MD]No.21633 of 2016

and

W.M.P. [MD]No.15452 & 15453 of 2016

WEB COPY

T.Kaliammal

... Petitioner

/Vs./

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Director and
District Collector Personal Officer (Survey),
District Survey and Settlement Office,
Madurai - 20.

3.The Tahsildar,
Tirumangalam Taluk,
Madurai District.

4.The President,
Pungankulam Panchayat,
Tirumangalam Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the 2nd respondent in his proceedings Na.Ka.Ne.A.No. A27/7043/2016, dated 02.09.2016 and quash the same.

For Petitioner : Mr.M.D.Devisaravana Priya

For R1 to R3 : Mr.M.Lingadurai

Special Government Pleader

For R4 : Mr.J.Gunaseelan Muthiah

ORDER

This writ petition has been filed challenging the order dated 02.09.2016 passed by the second respondent. According to the petitioner, subsequent to passing of the impugned order, she apprehends that the second respondent will lay road in her patta lands, as they also fall in S.Nos.64 and 66, Pungankulam Village, Tirumangalam.

2.A categorical stand has been taken in this writ petition that the lands falling in S.Nos.64 and 66, Pungankulam Village, Tirumangalam, are absolutely owned by the petitioner and they are patta lands. Today, the learned Special Government Pleader



appearing for the respondents, on instructions, would submit that as on date, there is no proposal to lay road as apprehended by the petitioner, but, based on the old revenue records only, the impugned order has been passed. He would also submit that incase there is a requirement to lay a road in S.Nos.64 and 66, Pungankulam Village, Tirumangalam, in the near future, the respondents shall intimate the petitioner about the same before laying road. The said Statement is recorded.

3.However, this Court is of the considered view that the petitioner is having the benefit of an interim order of protection in this writ petition till date and she should not be left high and dry, incase the official respondents decide to lay a road in the property, for which the petitioner claims to have patta, but, which is disputed by the respondents.

4.After recording the submissions made by the respective counsel, this Court is of the considered view that no useful purpose will be served, if this writ petition is kept pending. Instead, the petitioner's rights will be protected, in the near future, after the UDR survey, if the classification of the petitioner's lands has been restored to its original position affecting the rights of the petitioner, who is presently having a patta in her name, she must be intimated about the same by the official respondents before proceeding further with regard to laying of the road.

5.Accordingly, this Writ Petition is disposed of by directing the official respondents to intimate the petitioner about the re-classification of the lands, if any of her patta lands, to enable the petitioner to change the re-classification in the manner known to law. It is made clear that only after intimating the petitioner about any re-classification in respect of the petitioner's lands, the official respondents are permitted to lay road over the petitioner's property. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Director and
District Collector Personal Officer (Survey),
District Survey and Settlement Office,
Madurai - 20.

3.The Tahsildar,
Tirumangalam Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-8089[F] dated 23/02/2022)

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-7802[F] dated
22/02/2022)

W.P.[MD]No.21633 of 2016
21.02.2022

SB(CO)
KB(11.03.2022) 3P 6C