



W.P.(MD)No.13131 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13131 of 2017

G.Rajasekaran

... Petitioner

Vs

- 1.The Government of Tamilnadu,
Represented by its Principal Secretary,
Rural Development & Panchayat Raj Department,
St.George Fort,
Chennai.
- 2.The District Collector,
Theni District,
Theni.
- 3.The District Revenue Officer,
Theni District,
Theni.
- 4.The Revenue Divisional Officer,
Periakulam,
Theni District.
- 5.The Tahsildar,
Aundipatti Taluk,
Theni District.
- 6.The Block Development Officer,
Aundipatti Panchayat Union,
Theni District.



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7.Jegannathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 2, 5 and 6 to consider the petitioner's representation, dated 03.06.2017 and to remove the road laid on the petitioner's patta land bearing S.No.102/1A measuring 98 Ares of Marikkundu Village, Aundipatti Taluk, Theni District.

For Petitioner : Mr.B.Vasanthan

For Respondents : Mr.G.Sivaraja
Government Advocate for R.1 to R.5

Mr.V.Muruganandam for R.6

Mr.P.Arun Jayatram for R.7

ORDER

Heard the learned counsel on either side.

2. The petitioner's grievance is that on the petition mentioned patta land, a road had been laid illegally. He wants the same to be removed.

3. The stand of the respondent is that the road has been laid only on the existing public pathway and that it is not a new one.

4. According to the learned Government Advocate a gravel road was laid in the year 1980 and the thar road was laid in the year 1993.



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5. I wanted to verify as to whether the petitioner's claim is true or not. In the typed set of papers the petitioner has placed abundant material to show that the land in question is very much a patta land. Patta No.703 reflects the names of two sons of Ramasamy Naickar. Ramasamy Naickar is none other than the grandfather of the petitioner. Old A-Register also indicates that the road and track was running across old Surveys No.101 and 103. On the petition mentioned land, the pathway has not been shown to run. I will have to go entirely by the record and extract of the A-Register and not by the averments made in the counter affidavit. The averments made in the counter affidavit will have to be anchored on facts. The record is in favour of the petitioner. The respondents 2, 5 and 6 are directed to remove the petition mentioned road laying across the petition mentioned land. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is allowed. No costs.

14.07.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Principal Secretary,
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Theni.
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G.R.SWAMINATHAN, J.

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