



W.P.No.14090 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.06.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.No.14090 of 2023**  
**and WMP No.13727 of 2023**

M.Poomalai

... Petitioner

-Vs-

1.The District Collector  
Collector Office  
Salem District.

2.The District Revenue Officer  
Collector Office  
Salem District.

3.The Tahsildar  
Thalaivasal, Salem District.

4.The Block Development Officer  
Thalaivasal, Salem District.

5.The President  
Pagadapadi Panchayat  
Pagadapadi Village & Vellaiyur Post  
Thalaivasal Taluk  
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 4 and 5 or their men, agent, representatives or anybody under the authority of them from laying the road in petitioner Patta land comprised in S.No.80/2 measuring an extent of 0.27 cents or to pass any other appropriate order which may deem fit and proper in the above said circumstances in this case.



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|                 |                                                                                                                 |
|-----------------|-----------------------------------------------------------------------------------------------------------------|
| For Petitioner  | Mr.K.Sathyabal                                                                                                  |
| For Respondents | Mr.S.Arumugam<br>Government Advocate<br>for R1 to R3<br>Mrs.K.H.Ravi Kumar<br>Government Advocate<br>for R4, R5 |

### **ORDER**

This writ petition was filed for the issue of a writ of mandamus forbearing the respondents 4<sup>th</sup> and 5<sup>th</sup> from laying any road in the patta land that belongs to the land comprised in Survey No.80/2 measuring an extent of 0.27 cents.

2.When the writ petition was taken up for admission, the learned Government Advocate appearing on behalf the 4<sup>th</sup> and 5<sup>th</sup> respondents produced the copy of the proceedings of the DRO, Salem dated 21.03.2023. On carefully going through the same, it is seen that the order is adverse to the interest of the petitioner with respect to Survey No.80/2. By virtue of this order, the concerned authority is justifying the continuation of the public road in Survey No.80/2.

3.The petitioner has filed this writ petition on 20.04.2023 and the impugned order has been received by the petitioner on 28.04.2023. Hence, there was no occasion for the petitioner to question the order passed by the DRO. By virtue of the above order, the relief as sought for in this writ petition cannot be considered without putting to challenge the proceedings of the DRO dated 21.03.2023. When this was brought to the notice of the learned



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counsel for the petitioner, the learned counsel sought for liberty to challenge the proceedings of the DRO dated 21.03.2023 and enable the petitioner to workout his remedy.

4.This writ petition is disposed by granting liberty to the petitioner to challenge the proceedings of the DRO, Salem dated 21.03.2023 and to workout his remedy in accordance with law.

5.This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

01.06.2023

KP

Internet : Yes/No

Index : Yes/No

Neutral Citation :Yes/No

To

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N.ANAND VENKATESH, J.  
KP

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