



W.P.No.36426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2023

CORAM :

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

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Dr.V.Santhosh

.. Petitioner

VS

- 1.The District Collector,
Salem District,
Salem-636 001.
- 2.The Assistant Director of Town Panchayat,
Assistant Director of Town Panchayat Office,
District Collectorate,
Salem District-636 001.
- 3.The Revenue Divisional Officer,
Attur Sub Division,
Salem District-636 001.
- 4.The Tahsildar,
Thalaivasal Taluk,
Salem District-636 112.



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5.The Executive Officer,
Veeraganur Town Panchayat,
Veeraganur Post,
Thalaivasal Taluk,
Salem District-636 116.

6.The Deputy Superintendent of Police,
Attur Sub Division,
Salem District-636 102.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing 4th and 5th respondents to form the Tar road only after remove the illegal encroachment from the Government land in Survey Nos.354/3, 356/3, 659/18, 660/1, 669/15, 670/4 & 5 situated at the revenue village of Veeraganur North, Thalaivasal Taluk, Salem District to enable the petitioner to use the road an agriculture purpose and pass order based on the petitioner representation dated 30.10.2023.

For the Petitioner : Mr.R.Balamurugan

For the Respondents : Mr.J.Ravindran
Addl. Advocate-General
assisted by
Mr.P.Balathandayutham
Spl. Government Pleader
for respondent Nos.1 to 5



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: Mr.A.Gokulakrishnan
Addl. Public Prosecutor
for respondent No.6

ORDER

(Order of the court was made by *Abdul Qudhose, J.*)

This writ petition has been filed for issuance of mandamus directing respondents 4 and 5 not to lay the Thar road in the Government lands in Survey Nos.354/3, 356/3, 659/18, 660/1, 669/15, 670/4 and 5 situated at the revenue village of Veeraganur North, Thalaivasal Taluk, Salem District to enable the petitioner to use the road for agriculture purpose.

2. The petitioner has given a representation to the respondents on 30.10.2023 for the said purpose. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. As seen from the documents filed along with the writ petition, the petitioner has placed before this Court an order dated



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4.5.2023 passed by a Division Bench of this Court in W.P.No.14668 of 2023. A perusal of the said order shows that pertaining to the very same property, a direction was issued to the fourth respondent therein to consider the petitioner's representation dated 21.02.2023 on merits and in accordance with law within a period of eight weeks from the date of receipt of the copy of the said order.

4. According to the petitioner, till date, no final order has been passed in terms of the order dated 4.5.2023 passed by this Court in W.P.No.14668 of 2023. However, the respondents are now attempting to form a Thar road in the property which will be detrimental to the petitioner's use of the road for his agriculture purpose.

5. The petitioner has given a representation on 30.10.2023 to the respondents to redress his grievance as stated supra. Since the representation of the petitioner has not been considered till date, he has filed the present writ petition. No prejudice would be caused to the respondents if the petitioner's representation dated 30.10.2023



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is considered on merits and in accordance with law within a time to be fixed by this Court.

6. In view of the above, respondents 4 and 5 are directed to pass orders on the petitioner's representation dated 30.10.2023, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that insofar as laying of Thar road is concerned, being a public purpose, the respondents are at liberty to proceed with the laying of the Thar road.

7. With these observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.36440 of 2023 is closed.

(A.Q., J.)

(G.A.M., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To

WEB COPY

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ABDUL QUDDHOSE, J.
AND
G.ARUL MURUGAN, J.

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