



W.P.(MD) No.1186 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD)No.1186 of 2021

and

W.M.P.(MD)Nos.1024 & 10073 of 2021

1.M.Sakthivel

2.K.Krishnan

3.M.Dharmalingam

...Petitioners

Vs.

1.The District Collector,
District Collectorate,
Ramanathapuram District.

2.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Kottaimedu, Kamuthi,
Ramanathapuram District.

4.The President,
Anaiyur Village Panchayat,
Kamuthi Taluk,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue an order or orders or directions or writs



W.P.(MD) No.1186 of 2021

in the nature of Writ of Mandamus forbearing the 3rd and 4th respondents from laying any road in our patta land in Survey Nos.412/4 and 412/4 2A, 404/3A2, 3 B1 and 407/1B of Anaiyur Revenue Village in Kamuthi Taluk, Ramanathapuram district and consequently direct the 1st respondent to initiate legal action against the 3rd and 4th respondents based on the representation of the petitioners dated 20.11.2020.

For Petitioners :Mr.C.M.Arumugam

For Respondents :Mr.A.K.Manikkam

Special Government Pleader

ORDER

This writ petition has been filed to forbear the 3rd and 4th respondents from laying any road in the patta land belonging to the petitioners in S.Nos.412/4 and 412/4 2A, 404/3A2, 3 B1 and 407/1B of Anaiyur Revenue Village in Kamuthi Taluk, Ramanathapuram District.

2. The grievance of the petitioners is that the 3rd and 4th respondents were attempting to lay a road in the patta land belonging to the petitioners. A representation was also made in this regard to the first respondent. Since there was no response, the present writ petition has been filed before this Court.



W.P.(MD) No.1186 of 2021

WEB COPY

3. When the matter was taken up for hearing on 10.10.2023, this Court directed the learned Special Government Pleader to take instructions and to report before this Court. Accordingly, the matter stood posted for hearing today.

4. Today, the learned Special Government Pleader produced written instructions received from the Village Administrative Officer. That apart, the closure report in the complaint that was given by the first petitioner issued by the Peraiyur Police Station was also placed before this Court.

5. On carefully going through the same, it is seen that an attempt was made by the 3rd and 4th respondents to lay a road in the patta land belonging to the petitioners. However, there was resistance on the side of the petitioners and infact, the first petitioner had even given a police complaint in this regard. On such complaint, an enquiry was conducted and at which point of time, the petitioners informed the police about filing of the present writ petition and also about the interim order that was passed by this Court restraining the respondents from laying the road



W.P.(MD) No.1186 of 2021

in the patta land belonging to the petitioners. Accordingly, the police complaint came to be closed.

6. Insofar as the report of the Village Administrative Officer, Kamuthi Taluk is concerned, it is seen that the road was not proposed to be laid on the patta land belonging to the petitioners and a proposal was made only for laying a road in the Government poramboke land.

7. In view of the above development, the grievance expressed by the petitioners has been sufficiently redressed and it is made clear that no road will be laid on the patta land belonging to the petitioners and if at all any road is being laid by the 3rd and 4th respondents, it will be laid only in the Government poramboke land. The possession and enjoyment of the petitioners in the subject properties shall not be interfered with by the respondents.

8. This writ petition is disposed in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.10.2023

NCC : Yes/No

Index : Yes/No & Internet : Yes/ No



W.P.(MD) No.1186 of 2021

To

WEB COPY

- 1.The District Collector,
District Collectorate,
Ramanathapuram District.
- 2.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 3.The Block Development Officer,
Kottaimedu, Kamuthi,
Ramanathapuram District.
- 4.The President,
Anaiyur Village Panchayat,
Kamuthi Taluk,
Ramanathapuram District.



WEB COPY



W.P.(MD) No.1186 of 2021

N. ANAND VENKATESH, J.

SM

Order made in
W.P(MD)No.1186 of 2021

Dated
12.10.2023