



W.P.(MD)No.1288 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1288 of 2021

and

W.M.P.(MD)No.1079 of 2021

A.K.Palanimuthu

.. Petitioner

Versus

1.The District Collector,
Thiruchirappalli District, Thiruchirappalli.

2.The Revenue Divisional Officer,
Lalgudi, Thiruchirappalli District.

3.The Project Director,
Rural Development and Panchayat Raj Department,
Pullambadi Union, Pullambadi,
Thiruchirappalli District.

4.The Block Development Officer,
Pullambadi, Thiruchirappalli District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents and their men to refrain from entering and doing any unauthorized formation of road on the lands of the petitioner and petitioner's wife in Survey Nos.117/3A, 117/3B and 52/1A, 52/1B respectively of Alunthalaipur Village, Thiruchirappalli District.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.B.Saravanan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus, forbearing the respondents from forming or laying any road on the private Patta lands belonging to the petitioner and his wife in Survey Nos.117/3A, 117/3B, 52/1A and 52/1B respectively, Alunthalaipur Village, Thiruchirappalli District.

2. The specific case of the petitioner is that the subject properties are the private Patta lands of the petitioner and his wife and that an attempt was made by the respondents to lay a road over these lands and a representation was made by the petitioner in this regard on 23.09.2020. The second respondent on receipt of the representation, had directed the fourth respondent to deal with the representation. Since there was no response from the side of the respondents, the petitioner has filed the present Writ Petition before this Court.

3. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents produced the written instructions received from the fourth respondent along with all the relevant documents. On going through the same, it is seen that the property in Survey Nos.117/3A, 117/3B and 52/1A are agricultural lands,



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which are in the possession and enjoyment of the petitioner. Insofar as Survey No.52/1B is concerned, it is categorized as "Nilaviyal Pathai" and this categorization had taken place during the UDR. Therefore, a stand has been taken to the effect that the road is attempted to be laid only in the Nilaviyal Pathai, situated at Survey No.52/1B.

4. The learned Additional Government Pleader further relied upon the communication made by the fourth respondent/Block Development Officer, Pullambadi, Tiruchirappalli District, to the Tahsildar, Lalgudi, dated 11.08.2023, to conduct a survey and to submit a report and accordingly, the Tahsildar has also submitted a report, dated 05.09.2023, stating that except Survey No.52/1B, all the other properties are agricultural lands.

5. In the light of the specific stand taken by the respondents, there is no scope for laying any road in the agricultural lands, situated at Survey Nos. 117/3A, 117/3B and 52/1A. Insofar as Survey No.52/1B is concerned, the respondents are relying upon Revenue Standing Order 26(15) and the same is sought to be permitted to be used as 'Pathway'.

6. Recording the submissions made by the learned Additional Government Pleader and the specific stand taken by the respondents, this Writ



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Petition is disposed of. No costs. Consequently, connected Miscellaneous

Petition is closed.

NCC : Yes/No
Index : Yes/No
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10.10.2023

To

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N.ANAND VENKATESH, J.

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