



W.P(MD)No.7206 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7206 of 2023

and

W.M.P(MD)No.6802 of 2023

Duraimanickam

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Block Development officer,
Aranthangi Taluk,
Pudukkottai District.

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.The Village President,
Mannagudi,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from laying cement road in petitioner's patta land in S.No.39/1A1 having extent of 1 Acre 12 cent situate at Mannagudi village, Aranthangi Taluk, Pudukkottai District, by considering the petitioner's representation dated 20.03.2023.



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For Petitioner : Mr.A.Arul Jenifer

For R1 and R3 : Mr.D.S.Nedunchezian
Government Advocate

For R2 and R4 : Mr.K.Christy theboral

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a negative relief, forbearing the respondents, the District Collector, Pudukkottai, the Block Development Officer, Aranthangi, the Tahsildar, Aranthangi, and the Village President, Mannagudi, Aranthangi Taluk, all in Pudukkottai District, from laying cement road in the patta land of the petitioner in S.No.39/1A1, measuring 1.12 acres at Mannagudi village, Aranthangi Taluk, Pudukkottai District. The petitioner had given a representation on 20.03.2023.

2. It is a specific allegation of the petitioner herein that the 2 to 4 respondents had come over to his property on 16.03.2023 and started marking the land for formation of road. The petitioner had objected to it and had given a representation thereafter filed the writ petition.

3. The learned Government Advocate on behalf of the respondent has forwarded a written instructions wherein it had been very specifically stated by



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the fourth respondent / President of the Mannagudi Village, Aranthangi Taluk, Pudukottai District, that no resolution had been passed to put up any road in the land of the petitioner, that no funds had been allotted for that purpose and that no expenditure had been made for that purpose and that there is no intention by the fourth respondent to put up any road. It had been further stated that the petitioner has disputes with his own relatives and those relatives had attempted to put up the road and that the petitioner has suppressed that particular fact and had filed the present writ petition.

4. In view of the particular divergent stand taken by the respondents herein, no mandamus can be issued much less, a mandamus forbearing the respondents from putting up any road that the respondents are not at all interested in putting up the road. This writ petitioner seems to be misguided. This Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

11.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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C.V.KARTHIKEYAN, J.

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To:

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Block Development officer,
Aranthangi Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.
- 4.The Village President,
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