



W.P.(MD)No.8559 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.8559 of 2020 &
W.M.P.(MD)No.7924 of 2020

K.Ponnuchamy

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Assistant Director of Panchayat,
O/o.The Assistant Director of Panchayat,
Collector Office Campus, Sivagangai.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai.
- 4.The Thasildar,
Kalayarkoil Tahsildar Office,
Kalayarkoil,
Sivagangai District.
- 5.The Block Development Officer,
Kalayarkoil Block,
Kalayarkoil Union,
Sivagangai District.



W.P.(MD)No.8559 of 2020

6.The Panchayat President,
Melamarungur Village Panchayat,
Valanai Group,
Kalayarkoil Union,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents from laying any sort of road across the petitioner's patta lands at Valanai Village, Nemam Group in S.Nos.105/1A, 105/1C, 101/3A, 101/3B, 119/2A, 119/2B, 119/2C, 105/5A1 and 105/5C1.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.T.Amjadkhan,
Government Advocate,
for R1 to R5

Mr.M.Rajarajan for R6

ORDER

The petitioner has approached this Court for a mandamus forbearing the respondents from laying any sort of road across his lands at Valanai Village, Nemam Group in S.Nos.105/1A, 105/1C, 101/3A, 101/3B, 119/2A, 119/2B, 119/2C, 105/5A1 and 105/5C1.



W.P.(MD)No.8559 of 2020

WEB COPY

2. It is the case of the petitioner that the respondents are attempting to lay a road through his patta lands in the above Survey Numbers, all of which belong to him. The respondents 5 and 6 are taking law into their hands and are forcibly trying to lay the road, which cuts across his patta lands.

3. When the matter had come up on earlier occasion, this Court had sought for clarification as to whether the respondents had taken steps to acquire the petitioner's lands and whether they are ready to purchase the same.

4. Today, when the matter was listed and taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 5 would submit that they are willing to purchase the above properties, to which, the learned counsel for the petitioner would submit that the respondents could follow due process of law to acquire the lands in question.



W.P.(MD)No.8559 of 2020

WEB COPY

5. Heard the learned counsels on either side.

6. Considering the fact that admittedly, since the road is sought to be laid through the petitioner's patta land, the respondents cannot forcibly enter and lay the road in his lands. If the respondents feel that there is a public need, then they have to definitely resort to the procedures contemplated under law to acquire the lands and pay compensation to the petitioner.

7. Therefore, a Mandamus is issued to the respondents not to forcibly lay the road in the properties of the petitioner described above, except by resorting to due process of law for acquiring the same. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.04.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order
mbi



W.P.(MD)No.8559 of 2020

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W.P.(MD)No.8559 of 2020

P.T.ASHA, J.

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W.P.(MD)No.8559 of 2020

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