



WP(MD)No.15948 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.15948 of 2020

and

W.M.P.(MD)No.13340 of 2020

K.Murugan

...Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. By the Secretary to the Government,
Adi Dravidar and Welfare (Ni.A2) Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Ramanathapuram District.

3.The District Revenue Officer,
Ramanathapuram District.

4.The Tahsildhar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from laying the public road on the petitioner's land in an extent of 2 cents which is portion of 16 cents or any other portion of the petitioner land bearing survey No.240/8 and its patta



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No.953, situated at Andavoorani Post, Mangalakudi, Thiruvadanai Taluk, Ramanathapuram District-623 308 on the guise of laying the public road by the public road by considering the petitioner's representation dated 08.10.2020 without following the procedure known to law.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.D.Farjana Ghoushia

Special Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus forbearing the respondents from laying public road on the petitioner's land measuring to an extent of 16 cents at S.No.240/8 situated at Andavoorani Post, Mangalakudi Via, Thiruvadanai Taluk, Ramanathapuram District.

2. The fourth respondent has filed a counter affidavit and relevant portions are extracted hereunder:-

“6. I humbly submit that the Adi Dravidar Welfare Department implemented a project for laying road for Adi Dravidar Colony. In this connection, the authorities attached with Adi Dravidar Welfare Department laid cement road in S.No. 240/7B, which is shown in the UDR 'A' Register as 'Adi Dravidar Kudiyiruppu' and it is classified as "Colony, Mariyamman kovil" as



per in Natham Settlement Survey.

7. I humbly submit that it is the main allegation on the part of the petitioner is that at the time of laying the road, the authorities wrongly laid road in his patta land in S.No.240/8A to an extent of 2 cents. In order to establish and substantiate his grievance, the petitioner is relying some government orders to the effect that the government shall not acquire the properties of the poor and Adi Dravidar Community People.

8. I humbly submit that the petitioner has given wrong particulars before this Hon'ble Court as if a portion of the property in S.No.240/8A to an extent of 2 cents was taken for the purpose of laying road. It is not at all so, but the real fact remains that the Authorities has not at all taken any piece of land in S.No. 240/8A for laying road. The entire road was laid one and only in S.No.240/7B alone. Hence, the allegation of the petitioner is absolutely baseless.

9. I humbly submit that the reliable sources reveal that both the properties in S.No.240/8A and 240/7B are situated adjacent to each other. The petitioner's family being a patta holder in respect of S.No.240/8A have encroached a portion of the property in S.No. 240/7B. Hence, the petitioner is of the wrong view that the road was laid in his property”

3. Heard Mr.V.R.Venkatesan, learned counsel for the petitioner and Mr.D.Farjana Ghoushia, learned Special Government Pleader for the respondents.



WP(MD)No.15948 of 2020

4. It is clear that the stand taken by the fourth respondent that the respondents do not propose to lay any road in S.No.240/8. They wanted to lay a cement road only in S.No.240/7D, which has been categorized in the A-Register as Adi Dravidar Kudiyruppu.

5. In view of the same, the grievance expressed by the petitioner has been sufficiently answered and the stand taken by the fourth respondent is hereby recorded.

6. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

05.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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WP(MD)No.15948 of 2020

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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.15948 of 2020

Dated:
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