



WP(MD)No.16502 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16502 of 2022
and
WMP(MD)No.11928 of 2022

S.Kannan

.. Petitioner

v.

1.The District Collector,
O/o.District Collector,
Ramanathapuram District.

2.The Block Development Officer,
Nainar Koil Union Office,
Paramakudi Taluk,
Ramanathapuram District.

3.The Panchayat President,
Pakaivendri Village,
Vallam Post,
Nainarkoil (Via),
Paramakudi Taluk,
Ramanathapuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to



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pay compensation to the petitioner and his family members for illegally forming the road in the patta land of the petitioner to an extent of east – west 9 feet out of 12 feet and south – north 220 feet approximately situated in S.No.119/2B, Pakaivendri Village, Paramakudi Taluk, Ramanathapuram District, by considering the petitioner's representation dated 15.07.2022.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1

Mr.V.Nirmalkumar,
Government Advocate
for R.2

Mr.Jarin Mathew
for R.3

ORDER

The grievance of the petitioner is that at the instance of one Rasu, the third respondent / Panchayat President has laid a road on his patta land in S.No.119/2B. Therefore, the petitioner has made a representation for compensation before the District Collector / Inspector of Panchayat on 15.07.2022 and thereafter, filed this writ petition.



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2.Learned Counsel for the petitioner submitted that one Rasu has attempted to encroach upon the petitioner's land and therefore, the petitioner has filed a suit against the said Rasu and others in O.S.No.23 of 2015 before the District Munsif Court, Paramakudi. The learned District Munsif passed an order declaring that the land belongs to the petitioner and also granted an order of permanent injunction as against the defendants in the suit. The said Rasu and others filed A.S.No.11 of 2019 before the Sub Court, Paramakudi, as against the judgment and decree passed in O.S.No. 23 of 2015 and the appeal was dismissed by the first appellate Court. Thereafter, the defendants in the suit have approached the third respondent / Panchayat President and on their instigation, the third respondent has laid the road.

3.Learned Special Government Pleader appearing for the first respondent / District Collector sought time.

4.Learned Counsel for the third respondent / Panchayat President submitted that they have not laid any road in the petitioner's land.



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5.This Court considered the submissions made on either side and perused the available materials.

6.The petitioner claims that the third respondent, at the instigation of the defendants in the suit in O.S.No.23 of 2015, has laid the road in his patta land. However, the learned Special Government Pleader is not having any instructions with regard to the same. The learned Counsel for the third respondent disputed that it is not the petitioner's land where the road has been laid.

7.In view of the same, this writ petition is disposed of with a direction to the petitioner to approach the jurisdictional Tahsildar by paying necessary fee for conducting survey with regard to his land, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Thasildar shall instruct the Survey Officer concerned to conduct the survey, after affording opportunity of hearing to this petitioner and the third respondent, within a further period of eight



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weeks therefrom. Based on the report of the Survey Officer, the petitioner shall work out his remedy in the manner known to law.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

11.09.2023

To

- 1.The District Collector,
O/o.District Collector,
Ramanathapuram District.
- 2.The Block Development Officer,
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B.PUGALENDHI, J.

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