



W.P(MD)No.17978 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.17978 of 2023 and
WMP(MD) No.15013 of 2023

R.Saroja

... Petitioner

Vs

1.The District Collector,
Trichy Collectorate Complex,
Trichy District,
Trichy.

2.The Assistant Director of Town Panchayat,
Trichy Zone,
Trichy District.

3.The Executive Officer,
Mettupalayam Town Panchayat-I Grade,
Musiri Taluk,
Trichy District.

4.The District Revenue Officer,
Musiri,
Trichy District.

...Respondents

(R4 is suo motu impleaded by this Court by order dated 25.07.2023 by BPJ)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the third respondent to lay concrete street road in the petitioner's house site in Survey No.67/4 (New No.825/1) of Morupatti Village Group, Mettupalayam, Musiri Taluk, Trichy District till the disposal of the petitioner's appeal dated 11.07.2023 under the Tamil Nadu Patta Pass Book Act, pending before the District Revenue Officer, Trichy.

For Petitioner	:Mr.Rajakarthikeyan
For R1, R2& R4	:Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	:Mr.V.Nirmal Kumar Government Advocate

ORDER

The case of the petitioner is that the petitioner had purchased a house site to an extent of 500 sq.mt in S.No.67/4 Morupatti Village Group, Mettupalayam, Musiri Taluk, Trichy District, by way of a registered document No.431/1991, which was registered on 01.04.1991. During Natham survey, the land in S.No. 67/4 to an extent of 500 sq.ft was classified as Street and the



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petitioner on coming to know about this classification, he applied for patta. In the meantime, the third respondent is laying a concrete Road in the above mentioned land. The petitioner has filed an application before the District Revenue Officer on 10.07.2023 for change of classification and has filed this writ petition for a Mandamus forbearing the third respondent from laying any concrete road in the above mentioned land, till the disposal of his appeal before the District Revenue Officer, dated 10.07.2023.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1 & 2 submits that based on the appeal filed by the petitioner, the road work has now been stopped and they are intending to conduct the survey again. After completion of the survey, they would proceed further.

3.The learned counsel appearing for the petitioner undertakes that the petitioner will bear the escalation cost, if any in



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laying the road work, after the disposal of the appeal filed by him before the District Revenue Officer concerned.

4.The claim of the petitioner is that he has purchased the subject property by a registered document in the year 1991. Even prior to his purchase, during Natham survey, the subject land has been classified as cart track. Knowing that the land has been classified as cart track, the petitioner has approached the District Revenue Officer. By referring the appeal filed by the petitioner before the District Revenue Officer, the petitioner is intending to stop the laying of the concrete road. Now, it is reported that the third respondent has stopped the work on the objections of this petitioner. The petitioner's counsel undertakes to bear the escalation charges, if any, in laying the road, after the disposal of the appeal.

5.Considering the submission of the learned Additional Government Pleader and the undertaking given by the petitioner's counsel, this writ petition is disposed of in the following terms:-



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- i. The District Revenue Officer, Musiri is *suo motu* impleaded as the fourth respondent in this writ petition and the learned Additional Government Pleader is directed to take notice for the newly impleaded respondent.
- ii. The District Revenue Officer, Musiri shall dispose of the appeal filed by this petitioner on 10.07.2023 within a period of eight weeks from the date of receipt of a copy of this order.
- iii. The Executive Officer, Mettupalayam Town Panchayat I Grade/the third respondent shall wait for the outcome of the appeal and thereafter shall proceed with the road work.
- iv. In the event, if the petitioner lost the case and if any escalation of cost for laying of the road, the same shall be recovered from the petitioner under the Tamil Nadu Revenue Recovery Act, 1864.



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No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes

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B.PUGALENDHI, J.

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