



W.P.(MD).No.20047 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

**W.P.(MD).No.20047 of 2021
and
W.M.P.(MD).No.16751 of 2021**

V.Arul Prakasam

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
- 4.The Block Development Officer,
Thiruvadanai Panchayat Union,
Ramanathapuram District,
Ramanathapuram.
- 5.The Inspector of Police,
Thiruvadanai,
Ramanathapuram District,
Ramanathapuram.



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6.The Village Administrative Officer,
Kattimangalam Group,
Thiruvadanai,
Ramanathapuram District,
Ramanathapuram.

7.Jamalmydheen,
Counselor (Thiruvadanai Taluk),
Mangalakudi,
Peruvakottai Post,
Ramanathapuram District,
Ramanathapuram.

8.The President,
Arasathur Panchayat,
Peruvakottai Post,
Thiruvadanai Taluk
Ramanathapuram District,
Ramanathapuram.

9.Luish Pernandus,
Village Headman,
Arasathur Panchayat,
Peruvakottai Post,
Mangalakudi, Thiruvadanai Taluk
Ramanathapuram District.

10.Santhiyagu

11.Arockiya Samy

12.Prem

13.Savari Muthu

14.David



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15.Antoni Samy

16.Masilamani

17.Jegadheesan

18.Bala

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 6 to initiate an appropriate action against the respondents 7 to 18 by conducting the detailed enquiry by considering Civil Court decree and decision arrive at during Peace Committee meeting dated 04.08.2021 and restore the original status as of the land in Survey No.95/2C1 at Arasathur Village, Kattimangalam Group, Thiruvadanai Taluk, Ramanathapuram District by removing the road illegally made by the respondents 7 to 18 with the help of the Police and restore the original status which is in existence prior to laying the temporary road and consequently to punish the respondents 6 to 18 for indulging the criminal act by entering other man's land and cause damages to the petitioner's property by invoking relevant Section in IPC (Indian Penal code) and other Act.

For Petitioner : Mr.V.R.Venkatesan

For R-1 to R-6 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

WEB COPY The petitioner sent a representation to the second respondent seeking to take action pursuant to the orders passed by the Civil Court as well as this Court against the Councillor, Panchayat President, people's representative and others for violating the court order. Despite the petitioner's representation, no action was taken. Hence, the petitioner has filed the present Writ Petition.

2. The contention of the petitioner is that a civil suit in O.S.No.78 of 2006 was filed by the petitioner and the same was decreed in favour of the petitioner by judgment dated 22.12.2017. Thereafter, litigation had been reached up to this Court and this Court confirmed the petitioner's right over the property. Despite the same, politically influenced persons with men and muscle power are attempting to lay roads on the private land of the petitioner, which was resisted. A peace committee meeting was held on 04.08.2021, wherein, the pendency of the Writ Petition before this Court in W.P.(MD).No.18162 of 2018 was also recorded and it was agreed by all concerned that there would not be any further work in the private property of the petitioner. While this being so, on 23.10.2021, during the late night hours, using JCB and other materials to lay the road, work for laying the road in the private land of the petitioner was



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progressed. Thereafter, the petitioner had approached the Tahsildar and other revenue officials reminding them about the peace committee meeting held on 04.08.2021 and the undertaking given by them. Since the officials have taken no action, the petitioner has filed this Writ Petition.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 6 submitted that after the incident on 23.10.2021, no further action was taken and now no work has been progressed by anyone in the petitioner's property. The petitioner's property is not being disputed and all concerned persons were advised to adhere to the peace committee meeting held on 04.08.2021. He further submitted that the petitioner's representation dated 26.10.2021 was considered and field inspection was carried out. The learned Additional Public Prosecutor fairly submitted that the disposal of the petitioner's representation was not informed to the petitioner, but except for it, all other steps have been properly taken. He also produced photographs to show that no road has been laid in the petitioner's property.

4. In view of the above, the submission made by the learned Additional Public Prosecutor that, after 23.10.2021, no work was progressed for laying



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roads and further all concerned persons were advised to adhere to the peace committee meeting dated 04.08.2021, is hereby recorded and the officials shall adhere to follow the orders of the Court in its true letter and spirit and ensure that the rule of law is maintained. The second respondent is directed to inform the petitioner about the disposal of his representation within a period of three (3) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

13.09.2023

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



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To

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Thiruvadanai,
Ramanathapuram District,
Ramanathapuram.
6. The Village Administrative Officer,
Kattimangalam Group,
Thiruvadanai,
Ramanathapuram District,
Ramanathapuram.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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