



W.P(MD)No.1266 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1266 of 2015

and

M.P.(MD)No.1 of 2015

and

W.M.P.(MD)No.5541 of 2016

1.Manonmani (Died)

2.Dhanabalan

... Petitioners

(P2 is suo motu impleaded vide order dated 04.07.2023 in W.P.(MD)No.1266 of 2015 by GRSJ)

Vs.

1.The District Collector,
Dindigul District.

2.The Divisional Executive Engineer,
Highways Department,
Dindigul Division,
Dindigul District.

3.The Assistant Executive Engineer,
Highways Department,
Athoor, Dindigul District.

... Respondents



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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, forbearing the respondents from laying road in the petitioner's property bearing survey No.350/3 admeasuring 15.00 Ares equal to 37 cents of Pantrimalai village, Dindigul District without following the provisions of the land Acquisition Act by considering the petitioner representation dated 23.01.2015.

For Petitioners : Mr.S.C.Herold Singh,

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants this Court to forbear the respondents from laying road across the petition mentioned survey number. It is not in dispute that survey number 350/3, Pantrimalai village is the patta land of the petitioner. It is also not in dispute that at present a road is running across. The petitioner would claim that it was unlawfully and high-handedly laid.



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3.The learned counsel for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed.

4.The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. It is pointed out a road runs from Dharmathupatti to Thandikudi viz., Adalur. It is a single continuous road. It is this road that runs across the petitioner's patta land. The stand of the respondents is that the villages in question were without road connectivity and that they on their own came forward to donate a portion of their lands so as to facilitate formation of the road. This had happened more than half a century ago.

5.I, therefore can easily conclude that the road was allowed to be formed over the petitioner's patta land. Hence, the question of paying compensation does not and cannot arise.

6.I however wanted to know the original dimensions of the road. Shri.T.Gokul, Assistant employed in the office of the second respondent



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informs the Court that width of the road is ten feet. The learned Additional Government Pleader would submit that since the petitioner's land appears to be located in a turning, the dimensions may be slightly wider. This is also understandable. While the respondents can maintain the status quo as mentioned above, if expansion works are to be undertaken, then the petitioner's patta land required for such expansion will have to be formally acquired and compensation paid. Without such formal acquisition and payment of compensation, the petitioner's patta land shall not put to use for expansion of the existing road.

7.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

19.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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