



W.P(MD)No.22103 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.22103 of 2022

P.Udaiappan

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Pudukottai.

2.The Tahsildhar,
Thirumayam Taluk,
Pudukkottai - 622 001.

3.The Block Development Officer,
Arimalam Village Panchayat Union,
Thirumayam Taluk,
Pudukkottai - 622 001.

4.The Village Administrative Officer,
Munasanthai Village,
Perungudi Post, Thirumayam Taluk,
Pudukkottai - 622 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents, their men, agents, servants or anybody claiming through or under him from



W.P(MD)No.22103 of 2022

laying any road or using as cremation ground or anything under the guise of laying road in survey no.108/4 in the petitioner's patta land of an extent of 14 cents in Survey No.1209/21 by respondent Nos.1 to 4 located at Ammankovil street, Munasanthai, Perungudi, Thirumayam Taluk, Pudukkottai - 622 001., based on his representation dated 10.06.2022 and 29.06.2022.

For Petitioner : Mr.R.Karunanidhi

For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a mandamus seeking a negative relief to forbear the respondents particularly the second respondent / Tahsildar, Thirumayam Taluk and the Block Development Officer, Arimalam Village Panchayat Union, Thirumayam in Pudukkottai District, from laying any road or using as cremation ground, the land in Survey No.108/4 in the petitioner's patta land measuring 14 cents in Survey No.1209/21. The petitioner had given representations on 10.06.2022 and on 29.06.2022. This Court, after hearing both the learned counsel for the petitioner and the learned counsel for respondent, had passed the following order on 20.09.2022.

" This writ petition has been filed for issuance of a Writ of



W.P(MD)No.22103 of 2022

Mandamus, forbearing the respondents from laying road in the petitioner's Patta land in S.No.1209/21 to an extent of 14 cents at Ammankovil Street, Munasanthai, Perungudi, Thirumayam Taluk, Pudukkottai, under the guise of laying road in S.No.108/4, based on the petitioner's representation, dated 10.06.2022 andn 29.06.2022.

2.Today, Mrs.A.Hithathunisha Begam, Village Administrative Officer, Munasanthai Village, Perungudi Post, Thirumayam Taluk is present before this Court and stated that they are removing the encroachment in S.No.108/4 alone, which has been in occupation of the petitioner herein unauthorisedly.

3.The authorities are hereby directed to hold a survey on 24.09.2022. The Head Surveyor will measure both the properties in S.Nos.1209/21 and 108/4, in the presence of the petitioner and if it is found that the petitioner has encroached upon the land in S.No. 108/4, the same to be reported along with the sketch to this Court on 28.09.2022. "

2. Thereafter, the matter was again taken up on 28.03.2023 and the following was noted:

" In accordance with the directions given on 20.09.2022, the respondents had surveyed the lands and very specifically it is stated by the learned Additional Government Pleader that the patta land of the petitioner in survey No.1209/21 measuring 4 ares will not be encroached by the respondents herein for putting up the road and that the road would be put up only in Survey No.1208/4 which is already classified in the revenue



W.P(MD)No.22103 of 2022

records as pathway. So far as the area of the land of the petitioner is concerned, let the learned counsel for the petitioner get further clarification."

3. The learned counsel for the petitioner stated that since the respondents have held out that they would not encroach into the lands of the petitioner in S.No.1209/21. The said statement is recorded. If the petitioner has any further grievances with respect to land in and other survey number, the petitioner may always take resort to approach the competent civil Court. No further orders are required.

4. This writ petition is disposed of. No costs.

13.04.2023

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

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W.P(MD)No.22103 of 2022

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W.P(MD)No.22103 of 2022

C.V.KARTHIKEYAN, J.

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W.P(MD)No. 22103 of 2022

13.04.2023