



W.P(MD)No.20628 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.20628 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

A.C.Ibrahim

... Petitioner

vs.

1. The District Collector,
Dindigul District, Dindigul.

2. Assistant Director (Town Panchayat),
Dindigul District, Dindigul.

3. Tahsildar,
Palani Taluk Office,
Dindigul District.

4. Commissioner/Block Development Officer,
Palani Panchayat Union,
Dindigul District.

5. Taluk Surveyor,
Palani Taluk,
Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from laying any road further through the petitioner's agricultural land and consequential direction to remove the mud road partially laid in survey Nos.853/1A and 854 situated at Iyyampuli Village (Sosiyarkulam Irrigation Channel Area), Palani Taluk, Dindigul District.

For Petitioner : Mr.D.Shanumugaraja Sethupathi
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in this writ petition is for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from laying any road further through the petitioner's agricultural land and for a consequential direction to remove the mud road partially laid in Survey Nos.853/1A and 854 situated at Iyyampuli Village (Sosiyarkulam Irrigation Channel Area), Palani Taluk, Dindigul District.



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WEB COPY 2. On 20.11.2015, this Court has passed the following order:-

"Mr.V.Selvaraj, learned Special Government Pleader takes notice for the respondents 1 to 3 and 5. Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the fourth respondent. He produced a copy of the communication dated 11/11/2015, sent by the fourth respondent to the writ petitioner indicating that no panchayat within his control has undertaken the work of laying a road. He has also indicated that the land in question falls within the Balasamuthiram Town Panchayat.

2. In the light of the above, there will be an interim direction to the respondents 2 and 3 to jointly conduct a survey of the land and file a report on 04.12.2015. Such report should indicate whether the road has been laid in the property belonging to the petitioner or not."

3. Pursuant to the said order, the 3rd respondent has filed a report on 04.12.2015 and the relevant portions of the same are as follows:-

"3. It is submitted that this Hon'ble Court passed an order of interim direction dated 20.11.2015 directing the respondent Nos.2 & 3 to survey the land and report whether



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the road was laid over the petitioner's land. As per the direction of this Hon'ble Court the Tahsildar, Palani Taluk, Executive Officer, Balasamudram Town Panchayat, Deputy Inspector of Survey, Palani, Field Surveyor, Village Administrative Officer inspected the above disputed area on 01.12.2015 & 02.12.2015. And the same was reported by the Tahsildar in Na.Ka.No.16192/15-C2 dated 02.12.2015.

4. It is submitted that based upon the survey the authorities found that the S.No.853/1A & 854 are belongs to one Mrs.A.C.Ramija Parveen who is the petitioner's daughter. As per the survey report, S.No.855/1 is a Government Poramboke land in Which the petitioner has encroached an extent of 0.12.0 hectare and similarly one lakshmi @ Jothi lakshmi has encroached the S.No.855/1 within an extent of 0.33.0 hectares. The S.No.853/1A & 854 are belongs to one Mrs.A.C.Ramija Parveen in Patta No.1853. Similarly the S.No.856/2A, 856/2B, 856/2C, 856/2D belongs to one lakshmi @ Jothi lakshmi.

5. It is submitted that the pathway was made in S.No. 855/1 and the Village people are using the pathway to reach the main road and it is very useful for the village people. As per the survey conducted the road was laid and goes through the petitioner's daughter land for an extent of 150 sq.mts. The pathway was laid by the village people for their mobility.



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This pathway was renovated by one Lakshmi @ Jothi lakshmi by laying the gravel stone. The Government did not laid any road or pathway in the above disputed S.No.855/1 and the same was reported by the Block Development Officer and the Executive Officer are also enclosed herewith. As per the revenue records the S.No.855/1 was not subdivided and there is no identity to show that the above survey number is a pathway. The survey report by the Tahsildar, FMB, Topo sketch and the letter by the Block Development Officer and the Executive Officer are also enclosed herewith."

4. In the light of the aforesaid report, no further order is required to be passed in this writ petition. It is for the petitioner to approach the authority concerned for removal any mud road in the place in question in the manner known to law.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.,J.] & [R.V.,J.]
23.01.2023

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

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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.20628 of 2015
DATED : 23.01.2023