



W.P(MD)No.20485 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20485 of 2023 and
WMP(MD) No.16938 of 2023

Balu

... Petitioner

Vs

1.The District Collector,
Thanjavur District.

2.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

3.The Block Development Officer,
Block Development Office,
Ammapettai,
Thanjavur District.

4.The Chairman,
Ammapettai Union Office,
Ammapettai,
Thanjavur District.

...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 from laying any cement pipeline and road through



W.P(MD)No.20485 of 2023

the petitioner's private property bearing Survey No.29/3 in Perungarai Village, Maangudi North Panchayat, Papanasam Taluk, Thanjavur District.

For Petitioner : Mr.P.Edin Brough
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner with a grievance that the respondents are attempting to lay a cement pipeline in the petitioner's patta land in S.No.29/3 of Perungarai Village, Maangudi North Panchayat, Papanasam Taluk, Thanjavur District has filed this writ petition for a Mandamus, forbearing the respondent from laying any pipeline in the petitioner's patta land.

2.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents on instructions submits that the respondents are laying pipeline in S.No.29/1 and not in the petitioner's patta land in S.No.29/3.



W.P(MD)No.20485 of 2023

WEB COPY

3.The learned counsel appearing for the petitioner by disputing the submission of the learned Special Government Pleader submits that without conducting any survey, the respondents are attempting to lay the pipeline in the petitioner's land in S.No.29/1. The petitioner has also filed an application to survey his land on 05.01.2022. However, without considering the petitioner's application, without conducting any survey and identifying the exact survey Number, the respondents are attempting to lay the pipeline and that falls in the petitioner's patta land.

4.In response to the submission of the learned counsel for the petitioner, the learned Special Government Pleader has produced a proceedings dated 12.10.2022 that a survey was already conducted. However, the petitioner was not present during the survey.

5.Considering the rival submissions made on either side, this writ petition is disposed of with a direction to the second



W.P(MD)No.20485 of 2023

WEB COPY

respondent to survey the subject lands in the presence of the petitioner and after identifying the Survey numbers properly, shall proceed with the execution of the work. No costs. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

To

- 1.The District Collector,
Thanjavur District.
- 2.The Tahsildar,
Papanasam Taluk,
Thanjavur District.
- 3.The Block Development Officer,
Block Development Office,
Ammapettai,
Thanjavur District.
- 4.The Chairman,
Ammapettai Union Office,
Ammapettai,
Thanjavur District.



WEB COPY



W.P(MD)No.20485 of 2023

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.20485 of 2023 and
WMP(MD) No.16938 of 2023

23.08.2023