



WP(MD)No.8664 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.8664 of 2017

1.I.Devayearakkam Devaraj

2.Selwin Rajarathinam

... Petitioners

v.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
Sathankulam Taluk, Thoothukudi District.

4.The Block Development Officer / Special Officer,
Eluvaraimukki Village Panchayat,
Sathankulam Taluk, Thoothukudi District.

5.Ponmalar

6.Pauldurai

7.Thaveethu

... Respondents

1 / 5



WP(MD)No.8664 of 2017

WEB COPY Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the road laid in S.No.362/1A, Eluvaraimukki Village, Sathankulam Taluk and Thoothukudi District, by considering the petitioner's representation dated 17.03.2017 and further directing the respondents 1 to 4 to pay compensation for unlawfully laying road on the petitioner's property and for mental agony.

For Petitioners : Mr.R.Balakrishnan

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1 to R.4

No appearance for R.5 to R.7

ORDER

This writ petition is filed by the petitioners for a mandamus directing the respondents 1 to 4 to remove the road laid in S.No.362/1A, Eluvaraimukki Village, Sathankulam Taluk, Thoothukudi District.



WP(MD)No.8664 of 2017

WEB COP

2.The petitioners claim that the subject property belongs to them and patta also stands in their names. Their grievance is that the respondents, without ascertaining and without acquiring the property, have laid a Thar road in the land.

3.The official respondents have filed a counter affidavit stating that the land in S.No.362/1A is a patta land, however, in the revenue records, it is mentioned as 'Nilaviyal Pathai'.

4.The fact remains that the subject property in S.No.362/1A is a patta land belonging to the petitioners. Therefore, the respondents are not entitled to lay a Thar road in the land. At the same time, since in the revenue records, the land has been mentioned as 'Nilaviyal Pathai', the petitioners have to maintain it as such.

5.In view of the above discussions, this writ petition stands disposed of with a direction to the respondents 1 to 4 to remove the Thar road laid in the



WP(MD)No.8664 of 2017

petitioners' property in S.No.362/1A, forthwith. The petitioners are also directed to maintain the land as a pathway and also permit the villagers to use the pathway. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

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WP(MD)No.8664 of 2017

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WP(MD)No.8664 of 2017

16.06.2023