



W.P.(MD).No.7181 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD).No.7181 of 2016  
and W.M.P(MD).No.6085 of 2016

K.Murugesan

... Petitioner

Vs.

1.The District Collector,  
Theni District,  
Theni.

2.The Commissioner,  
Bodinaickanoor Panchayat Union,  
Bodinaickanoor,  
Theni District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the encroachments made on the land comprised in Survey No.1551/3 of Bodinaickanoor Village, Theni District, owned by the petitioner's family and directing the respondents to take alternative arrangements for the passage of the above mentioned road through Government land.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.G.V.Vairom Santhosh  
Additional Government Pleader



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for R1  
Mr.A.K.Manickam  
Special Government Pleader  
for R2

### **ORDER**

The petitioner, with a grievance that the respondents have laid a road in his patta land, has filed the present Writ Petition for a Mandamus to direct the respondents to remove the encroachment made in his land in Survey No.1551/3 situated at Bodinaickanoor, Theni District.

2. In response to the said allegation, the second respondent has filed a counter affidavit stating that the road has been laid in Government Poramboke land and not in the petitioner's land. Not satisfied with the reply given by the second respondent, this Court, vide order, dated 05.10.2023, directed the Tahsildar, Bodinaickanoor, to conduct survey on the petitioner's land and file a report as to whether any road has been laid in the petitioner's land and the Tahsildar, Bodinaickanoor, has also filed a report dated 28.10.2023, after conducting survey in the presence of the petitioner, stating that that no road has been laid in the petitioner's patta land.



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3. Considering the above, this Writ Petition is dismissed with a cost of Rs.2,000/- (Rupees Two Thousand only) to be paid by the petitioner to the Tahsildar, Bodinaickanoor, for the welfare of the Taluk Office. Connected miscellaneous petition is closed.

**03.11.2023**

Index: Yes/No  
Internet: Yes/No  
ssb

**To**

- 1.The District Collector,  
Theni District,  
Theni.
- 2.The Commissioner,  
Bodinaickanoor Panchayat Union,  
Bodinaickanoor,  
Theni District.



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**B.PUGALENDHI, J.**

ssb

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