



W.P.No.8296 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 28.03.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.8296 of 2024**  
**&**  
**C.M.P.No.9260 of 2024**

Manimegalai

... Petitioner

Vs

1.The District Collector,  
Tiruvannamalai District,  
Tiruvannamalai.

2.The District Revenue Officer,  
District Revenue Divisional Office,  
Vengikkal, Tiruvannamalai.

3.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Tiruvannamalai.

4.The Tahsildar,  
Taluk Office,  
Kilpennathur Village,  
Kilpennathur Taluk, Tiruvannamalai.



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5.The Surveyor,  
Taluk Office,  
Kilpennathur Village,  
Kilpennathur Taluk, Tiruvannamalai.

6.The Panchayath President,  
Kilpennathur Town Panchayath.

7.The Executive Officer,  
Town Panchayath Office, Kilpennathur Village,  
Kilpennathur Taluk, Tiruvannamalai.

... respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to remove the road laid down by the 6<sup>th</sup> and 7<sup>th</sup> respondents in the petitioner's property in Survey No.90/26, bearing Door No.239, of Kilpennathur Village, Kilpennathur Taluk, Tiruvannamalai District, by considering the representation sent on behalf of the petitioner dated 09.02.2024.



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For Petitioner : Mr. K.S.Navin Balaji  
For respondents : Mr. S.J.Mohamed Sathik  
Government Advocate.

### **ORDER**

The grievance of the Writ Petitioner is that a road has been laid in her lands comprised in S.No.90/26, Kilpennathur Village, Kilpennathur Taluk, Tiruvannamalai District. According to the petitioner, under a deed of settlement executed by her mother, Kamatchi on 27.01.2011, the property had been settled on her. The petitioner would submit that she has also been allotted patta No.1170. In the area around the land there was only a mud road. However, recently the 6<sup>th</sup> and 7<sup>th</sup> respondents had laid a thar road on the petitioner's land. Since the road was being laid in her property, the



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petitioner had immediately approached the 4<sup>th</sup> and 5<sup>th</sup> respondents with application dated 03.02.2023 asking them to survey the lands so as to prove her case that the road has been laid in her patta land. Despite receiving application, the respondents have not come forward to conduct survey nor have they responded to the petitioner's legal notice dated 07.02.2024, in and by which the petitioner had called upon the respondents to refrain from laying the road. Despite the same, they are continuing to lay road and to tar it.

2. The petitioner would submit that macadamisation of the road has been done in the late hours of the night, when there is nobody to object it. Therefore, the petitioner has come forward with the Writ Petition for mandamus directing the 1<sup>st</sup> respondent to remove the road laid down by the 6<sup>th</sup> and the 7<sup>th</sup> respondents in the petitioner's property bearing S.No.90/26, Kilpennathur Village, Kilpennathur Taluk, Tiruvannamalai.



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3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4. Admittedly, the road has already been laid and the only grievance of the petitioner is that it has been laid in her patta land. It appears that even prior to the respondents taking steps to lay road, the petitioner has submitted an application calling upon the respondents to survey, measure and demarcate the property which exercise, the petitioner states has been done not in her presence. The petitioner is the one who has requested for the survey and therefore the survey has to be carried out in her presence.

5. Therefore, the above Writ Petition is disposed of with limited direction to the Tahsildar, Taluk Office, Kilpennathur Village,



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Kilpennathur Taluk, Tiruvannamalai, to once survey, measure and demarcate the petitioner's property on the basis of the revenue records standing in her name, within a period of three weeks from the date of receipt of a copy of this order after issuing due notice to the petitioner and in her presence. Consequently, the connected Miscellaneous Petition is closed. No costs.

**28.03.2024**

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Index : Yes/No

Speaking order/non-speaking order

To

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Tiruvannamalai District,  
Tiruvannamalai.

2.The District Revenue Officer,  
District Revenue Divisional Office,  
Vengikkal, Tiruvannamalai.

3.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Tiruvannamalai.

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4.The Tahsildar,  
Taluk Office,  
Kilpennathur Village,  
Kilpennathur Taluk, Tiruvannamalai.

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**P.T.ASHA, J.,**

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