



W.P.No.14276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 14276 of 2024

and

W.M.P.No.15492 of 2024

B.Venkatesan

.... Petitioner

Vs

1. The Collector,
Cuddalore District,
Cuddalore.

2. The Revenue Divisional Officer,
Chidambaram,
Chidambaram Taluk,
Cuddalore District.

3. The Tahsildar,
Bhuvanagiri,
Bhuvanagiri Taluk,
Cuddalore District.

4. The Village Administrative Officer,
Villianallur,
Bhuvanagiri Taluk,
Cuddalore District.

5. The Block Development Officer,
Parangipettai,
Bhuvanagiri Taluk,
Cuddalore District.

6. The President,



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Villianallur Panchayat,
Villianallur,
Bhuvanagiri Taluk,
Cuddalore District.

7. Raja @ Muthuvel
8. Sakthivel
9. Muthukrishnan
10. Murugesan

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the respondents 1 to 6 from laying any road or from any other manner interfering with petitioner's peaceful possession and enjoyment of properties across the properties of petitioner bearing S.Nos.115/2A Hec.0.62.5, 115/2B Hec.0.42.5 and 115/2C Hec.0.55.0 in Villanallur Village, Bhuvanagiri Taluk, Cuddalore District.

For Petitioner	: Mr.D.Baskar
For R1 to R4	: Mr.M.S.Arasa Kumar Government Advocate
For R5 & R6	: Mrs.K.Vasanthamala Standing Counsel
For R7 to R10	: M/s.K.Lavan

ORDER

This Writ Petition has been filed forbearing the respondents 1 to 6 from laying any road or from any other manner interfering with petitioner's peaceful possession and enjoyment of the properties.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's father owned property comprised in



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S.No.115/2A admeasuring 0.62.5 hectares, S.No.115/2B admeasuring 0.42.5 hectares and S.No.115/2C admeasuring 0.55.0 hectares in Villianallur Village, Bhuvanagiri Taluk, Cuddalore District. In the said village, a burial ground is situated in the land comprised in S.No.112/4 admeasuring 40 cents. It is used by particular community people as burial ground. Except the said burial ground, there are other three burial grounds are also available for the village and it is used by other community people. Each and other burial ground has pathway to access the same. Likewise, the burial ground situated in S.No.112/4 is also having a separate pathway. It runs westwards into S.No.112/3A and S.No.115 outside the areas owned by the petitioner in S.Nos.115/2A, 115/2B & 115/2C. However, there is no pathway in S.Nos. 115/2A, 115/2B & 115/2C. Now, at the instance of the respondents 7 to 10, the respondents 1 to 6 are proposed to lay a road for burial ground.

4. On written instructions, the learned Government Advocate submitted that they proposed to lay a road to reach burial ground in the land comprised in S.Nos.116/1A, 116/4, 16/1C1A, 116/1C1B4, 116/1C1B5, 116/1C2, 114/8, 115/2A, 115/2B, 112/1A. However, the land comprised in S.Nos 114/8, 115/2A is owned by petitioner's father. The land comprised in S.No.115/2B is owned by the



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petitioner. They are cultivating the said land by cashew nut. Therefore, they objected to lay the road in their patta land. In view of the objections, the third respondent conducted an enquiry, in which, the petitioner refused to permit them to lay the road. Therefore, the respondents 1 to 6 dropped the proposal to lay the road in the land owned by the petitioner.

5. In view of the above submission, the respondents 1 to 6 are directed not to lay any road in the petitioner's patta land comprised in S.No.115/2A admeasuring 0.62.5 hectares, S.No.115/2B admeasuring 0.42.5 hectares and S.No.115/2C admeasuring 0.55.0 hectares in Villianallur Village, Bhuvanagiri Taluk, Cuddalore District, except due process of law.

6. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

23.08.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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Cuddalore.



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4. The Village Administrative Officer,
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6. The President,
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