



Writ Appeal No.725 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 02.01.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.725 of 2014
and M.P.No.1 of 2014**

A.Arjunapillai

... Appellant

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tasildhar,
Maduranthagam Taluk,
Maduranthagam,
Kancheepuram District.
3. The Block Development Officer (Village Panchayat),
Maduranthagam,
Kancheepuram District.
4. Village Panchayat President,
Murukkampakkam Village & Post,
Maduranthagam Taluk,
Kancheepuram District.
5. Commissioner,
Maduranthagam Panchayat Union,
Maduranthagam Taluk,
Kancheepuram District.

.. Respondents



Writ Appeal No.725 of 2014

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 17.03.2014 made in W.P.No.23584 of 2013.

For Appellant : Mr.M.Gnanasekar

For Respondents : Mr.R.Kumaravel
Additional Govt. Pleader [R1 & R2]

Mr.P.Chinnadurai [R3 & R6]

No appearance [R4 & R5]

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This Writ Appeal has been directed against the order passed by the Writ Court dated 17.03.2014 made in W.P.No.23584 of 2013.

2. With regard to survey No.192/12 at Murukkambakkam Village, Mathuranthagam Taluk, it is a claim of the petitioner/appellant that, he has been in possession and enjoyment of the property for several decades though admittedly it is a Government poromboke land. For the said land seeking patta, the petitioner/appellant had given a representation on 15.10.2012 to the Sub Collector, Mathuranthagam, which according to the learned counsel appearing for the appellant is still pending without taking any decision.



Writ Appeal No.725 of 2014

3. In the meanwhile, Village Panchayat seems to have made a proposal to lay a road connecting this village with some other villages across various land including the subject land i.e., aforestated survey number, for which a tender has been called for.

4. Aggrieved over the same, challenging the tender, the appellant has filed the aforestated writ petition and the said writ petition having been considered was rejected by the learned Judge saying that, the Court already given a direction in W.P.No.21508 of 2009 to remove the encroachment and according to the respondents in compliance of the same, the encroachment was removed, thereafter once again the petitioner/appellant cannot have any legal basis to challenge the impugned tender notice before the Writ Court, which propose to lay a road for the uses of the general public. By citing this reason, the learned Judge has rejected the writ petition, as against which the present appeal has been directed.

5. Heard Mr.M.Gnanasekar, learned counsel appearing for the appellant, Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.P.Chinnadurai, learned



Writ Appeal No.725 of 2014

counsel appearing for the Panchayat Union as well as the Block Development Officer.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 would contend that the land in question admittedly does not belong to the petitioner/appellant, therefore, he cannot have any grievances over the proposal of the local bodies to lay a road.

7. However, Mr.M.Gnanasekar, learned counsel appearing for the appellant would contend that, unless his plea to get patta for the land in question is decided by the Revenue Authorities, the further course of action to lay a road as proposed by the local bodies cannot be proceeded further.

8. Insofar as the said stand taken by the learned counsel appearing for the appellant is concerned, no doubt he has given a representation on 15.10.2012 to the Sub-Collector concerned and till date according to the learned counsel appearing for the appellant/petitioner it has not been decided and no document to that effect has been filed on behalf of the respondents to establish that the plea raised by the petitioner to get patta has been considered and was disposed of.



9. When that being the position, taking into account of the circumstances of the case, we are inclined to dispose of this appeal with the following orders:

- ◆ That there shall be a direction to the Sub-Collector, Mathuranthagam to consider the representation submitted by the appellant dated 15.10.2012 with regard to the plea to get patta for the Survey No.192/12 at Murukkambakkam Village, Mathuranthagam Taluk and decide the same on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order.
- ◆ The petitioner is directed to send a copy of this order along with the copy of the representation dated 15.10.2012 to the Sub-Collector, Mathuranthagam for the aforesaid compliance.
- ◆ It is needless to mention that depending upon the outcome of the decision to be made by the Sub-Collector, Mathuranthagam, the further course of action with regard to the impugned proposal to lay a road across the land including the subject land can be decided by the local authorities. Till such time no further precipitative action can be taken by them.



Writ Appeal No.725 of 2014

10. With these directions and observations, this writ appeal is disposed of. No costs. Connected miscellaneous petition is closed.

(R.S.K.,J.)

(K.B., J.)

02.01.2024

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

mp

Note: Since the Sub-Collector, Mathuranthagam is not a party to this lis, a copy of this order be communicated to the Sub-Collector, Mathuranthagam for necessary compliance.

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tasildhar,
Maduranthagam Taluk,
Maduranthagam,
Kancheepuram District.
3. The Block Development Officer (Village Panchayat),
Maduranthagam,
Kancheepuram District.
4. Village Panchayat President,
Murukkampakkam Village & Post,
Maduranthagam Taluk,



Writ Appeal No.725 of 2014

Kancheepuram District.

5. Commissioner,
Maduranthagam Panchayat Union,
Maduranthagam Taluk,
Kancheepuram District.

6. The Sub-Collector,
Mathuranthagam Taluk,
Kancheepuram District.



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Writ Appeal No.725 of 2014

R.SURESH KUMAR., J.
and
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Writ Appeal No.725 of 2014

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