



W.P.No.24169 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

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

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Tamilselvan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Nagapattinam District
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Nagapattinam
- 3.The Thasildhar,
Office of the Thasildhar,
Vedharaniyam Taluk,
Nagapattinam District
- 4.The Block Development Officer,
Office of the Block Development Officer,
Vedharaniyam Union, Vedharaniyam Taluk,
Nagapattinam District
- 5.The Revenue Inspector,
Office of the Revenue Inspector,
Vedharaniyam Taluk,
Nagapattinam District
- 6.The President,
Office of the President,
Thethakudi North Village,
Vedharaniyam Taluk,



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Nagapattinam District
7.Illancheran
8.Dilipen

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing to remove the road on the petitioner's land situated at Thethakudi North Village, Ammakgounder Kaadu, Vedharaniyam Taluk, Nagapattinam District comprised in survey Nos.108/6B1, 108/6B2 and 108/5A measuring to an extent of 60 meters (2592 sq.ft. or 6 cent) in view of the petitioner's representation dated 28.09.2021.

For Petitioner : No appearance

For Respondents
For R1 to 5 : Mr.S.Arumugam,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents 1 to 5 herein to remove the road which was laid on the petitioner's land situated at Thethakudi North Village Ammakgounder Kaadu, Vedharaniyam Taluk, Nagapattinam District comprised in survey



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Nos.108/6B1, 108/6B2 and 108/5A measuring to an extent of 60 meters (2592 sq.ft. or 6 cent) in view of the petitioner's representation dated 28.09.2021.

2. The petitioner owns lands comprised in survey Nos.108/6B1, 108/6B2 and 108/5A measuring to an extent of 60 meters. While being so, respondents 3 to 6 laid road on the petitioner's land admeasuring an extent of approximately 60 meters at the instance of political parties by encroachment. They also uprooted the trees worth about Rs.1.50 lakhs.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the third respondent, revealed that as per the Government Order in GO.No.53 Rural Development and Panchayat Raj Department dated 22.10.2019, rural development funds were allotted and the first respondent accorded administrative sanction for the improvement of road works in



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Nagapattinam District. Accordingly, the upgradation of Thethakudi North Kattukaraivoical work contract was awarded to the tune of Rs.46.80 lakhs. Accordingly, the existing road was strengthened by laying new road. It is only upgradation of the existing road and no expansion or widening the road. The land comprised in RS.No.108/6B1, 108/6B2 and 108/5A in Thethakudi North Village belongs to one Panneerselvam. The petitioner sold out the said property to him and thereafter the said road was laid in the boundary of his land. In fact, the said person never objected while laying road. Therefore, the petitioner has no locus to file this writ petition since already he sold the land in favour of the above said person.

5. In view of the above, the direction sought for in this writ petition cannot be granted. As such, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

23.10.2024

Neutral citation: Yes/No
Index: Yes/No



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Speaking/Non-speaking order
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To

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3. The Thasildhar,
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G.K.ILANTHIRAIYAN, J.

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