



W.P.No.24191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24191 of 2024
and WMP Nos.26453 & 26455 of 2024

S.Babu

... Petitioner

VS.

The State rep. by

1. The District Collector,
O/o. The District Collector,
Tiruvallur District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvallur District.

3. The Tahsildar,
Tahsildar Office,
Uthukottai Taluk,
Tiruvallur District.

4. The Block Development Officer,
Block Development Office,
Poondi,
Tiruvallur District.

5. The Panchayat President,
Velakapuram Village,
Uthukottai Taluk,



W.P.No.24191 of 2024

Tiruvallur District.

... Respondents

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 13.8.2024 bearing Na.Ka.No.763/2024/Aa2 and to quash the same and consequently direct the respondents 1 to 4 not to disturb the water channel and the possession of the petitioners land at Survey Number.100/1A, Velakapuram village, Uthukottai Taluk, Tiruvallur District.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.S.J.Mohammed Sathick
Government Advocate

ORDER

Aggrieved by the notice issued by the 3rd respondent for doing peck mark of the pathway situated in S.Nos.82, 97, 99, 100, 101 and 102, Velakapuram Village, Uthukottai Taluk, Tiruvallur District, the petitioner has come by way of this writ petition.

2. The learned counsel for the petitioner submits that the respondents are attempting to lay a new pathway in the above mentioned patta lands so as to claim access to a crematorium shed constructed in a non-designated



W.P.No.24191 of 2024

place. Therefore, the impugned notice is liable to be set aside.

WEB COPY

3. The learned Government Advocate, who is taking notice for the respondents would submit that the crematorium shed was constructed in S.No.101/13B, with the sanction of the District Collector in the year 2008 and impugned notice has been issued just to peck mark the pathway to the crematorium.

4. The impugned order is only a notice issued to the neighbouring land owners to be present in the village on 16.08.2024 at 10.00 a.m. at the time of earmarking the detailed pathway passing through S.Nos.82, 97, 99, 100, 101 and 102. If the petitioner had got any objection regarding the existence of the pathway in the above mentioned lands and the construction of crematorium shed in the non-designated place, it is for the petitioner to appear before the 3rd respondent and make his objections. Therefore, the impugned order passed by the 3rd respondent issuing notice to the neighbours for the purpose of peck marking of the pathway need not be interfered with. However, the 3rd respondent is directed to consider the objection made by the petitioner and dispose of the same in accordance with



W.P.No.24191 of 2024

law, before peck marking of the detailed pathway.

WEB COPY

5. With the above direction, the Writ Petition stands disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

19.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
ars

To

1. The District Collector,
O/o. The District Collector,
Tiruvallur District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvallur District.

3. The Tahsildar,
Tahsildar Office,
Uthukottai Taluk,
Tiruvallur District.

4. The Block Development Officer,
Block Development Office,
Poondi,
Tiruvallur District.

5. The Panchayat President,

4/7



WEB.COM

Velakapuram Village,
Uthukottai Taluk,
Tiruvallur District



W.P.No.24191 of 2024



WEB COPY



W.P.No.24191 of 2024

S.SOUNTHAR, J.

ars

W.P.No.24191 of 2024



WEB COPY



W.P.No.24191 of 2024

19.08.2024