



W.P.No.27517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.27517 of 2024

and

W.M.P.No.30033 of 2024

1.E.Rangasamy

2.E.Venkatesan

... Petitioners

Vs.

1.The Collector,
Tiruvannamalai Collector Office,
Tiruvannamalai District.

2.The Tahsildar,
Tiruvannamalai Taluk Office,
Tiruvannamalai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to remove the road laydown in the petitioner's patta land comprised Survey No.71/4A as per patta bearing No.750, New Survey No.76/4 to an extent of 1 Acre, 29 situated at Alaganandal Village, Tiruvannamalai Taluk & District within a time frame fixed by this court.

For Petitioner : Mr.G.Krishnakumar

For Respondents : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents to remove the road laydown in the petitioner's patta land comprised Survey No.71/4A as per patta bearing No.750, New Survey No.76/4 to an extent of 1 Acre, 29 situated at Alaganandal Village, Tiruvannamalai Taluk & District within a time frame fixed by this court.

2. Mr.U.Baranidharan, learned Additional Government Pleader, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that, they are the owners of the land comprised in Survey No.71/4A as per Patta bearing No.750, New Survey No.76/4. The 2nd respondent issued a summon on 15.07.2019 seeking objections, if any, for laying road in petitioners' patta land to reach the existing burial ground in Survey Nos.67/8 and 76/3 and a detailed objections has been made. However, the 2nd respondent started laying the road without following the due process of law. Therefore, a



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detailed representation has been made on 22.08.2018 to the respondents calling upon them not to proceed in laying road in the patta land without following the provisions under the Land Acquisition Act. Since the same was not considered, the 1st petitioner had filed a writ petition before this court in W.P.No.25817 of 2019 seeking to forbear the 2nd respondent from laying road on petitioners' patta land to reach existing burial ground and this court, by its order, dated 22.01.2020 disposed of the said writ petition directing the 2nd respondent to determine the compensation to be payable to the 1st petitioner by following proper procedure. However, till date, the 2nd respondent neither determine the compensation nor removed the road laid on the petitioners' land. Hence, the petitioners have filed this writ petition before this court for appropriate orders.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that, it would suffice, if this Court issues a direction to the respondents to remove the road laydown in the petitioners' patta land comprised in Survey No.71/4A as per patta bearing No.750, New Survey No.76/4 to an extent of 1 acre, 29 cents situated at Alaganandal Village, Tiruvannamalai Taluk & District, within a time frame that may be stipulated by this court.



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5. Learned Additional Government Pleader appearing on behalf of the respondents submitted that, the said road was laid over a decade ago and the property in Survey No.76/4 belonging to one Elumalai, S/o.Duraisami Konar and the petitioners are not the owners of the said property as per the revenue records. Further, already, this court had passed order for the very same relief sought for by the petitioners in this writ petition, thereby, the present writ petition is not maintainable and the same is liable to be dismissed. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Though the petitioners claim that they are the owners of the property in Survey No.76/4, however, the learned Additional Government Pleader appearing for the respondents had filed a report stating that the said property belongs to one Elumalai, S/o.Duraisami Konar. In such circumstances, the petitioners have to approach the civil court for appropriate remedy. Further, if the petitioners feels that the



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order passed by this court in the earlier writ petition is not complied, they have to file a contempt petition before this court. Without doing so, filing the present writ petition for the very same relief is *per se* unsustainable and the same is liable to be dismissed.

8. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is also dismissed.

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(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To

1.The Collector,
Tiruvannamalai Collector Office,
Tiruvannamalai District.

2.The Tahsildar,
Tiruvannamalai Taluk Office,
Tiruvannamalai District.



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in

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M.DHANDAPANI, J.

Though the present miscellaneous petition has been filed by the petitioners seeking to permit the petitioners to join together and file a single writ petition, it is pertinent to note that, the Registry has already made an endorsement in the main petition itself that, "full court fee paid".

2. In view of the above endorsement made by the Registry, this Writ Miscellaneous Petition is closed.

23.09.2024

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