



W.P.No. 24621 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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G.Veerasamy

.. Petitioner

Versus

1. The District Collector,
Office of the Collectorate,
Kancheepuram,
Kancheepuram District.

2. Block Deheepuvelopment Officer (BDO)
Thirukazhukundram
Thirukazhukundram Taluk,
Kancheepuram District.

3. The Thasildar,
Thirukazhukundram Taluk,
Kancheepuram District.

4. The Assistant Director,
Panchayat District Office
Kancheepuram, Kancheepuram District.

...Respondents

Prayer: This petition is filed under article 226 of constitution of India to issue a writ of Mandamus seeking a direction to the respondents



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to restore the property to the original status by removing the road situated to an extent of 5 cents under the original Survey No.147/2A of Thirukazhukundram Village, Kancheepuram District and pass orders.

For Petitioner : Mr.Y.Kannadasan

For Respondents 1,3 and 4 : Mr.A.M.Ayyadurai,
Government Advocate

For Respondent 2 : Mr.N.Naveen Kumar

ORDER

This petition is filed for the issuance of a writ of Mandamus directing the respondents to restore the property to the original status by removing the road situated to an extent of 5 cents situated at Survey No.147/21 of Thirukazhukundram Village, Kancheepuram District.

2. The case of the petitioner is that the petitioner inherited the subject property from his father by way of a partition deed dated 11.02.1983. The grievance of the petitioner is that the third respondent herein without issuing notice to the petitioner or conducting an enquiry has declared 5 cents of the subject property as “Poosthuthi Pathai” and has laid a Thar road. Hence, the petitioner has given a representation to



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the first, second and third respondents herein to remove the encroachment of 5 cents of land which belongs to the petitioner. However, there was no progress till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that the patta, chitta etc., stands in the name of the petitioner. In spite of the same, the 3rd respondent without holding any notice or enquiry has declared 5 cents of the subject property as “Poosthuthi Pathai” and has laid a Thar road. The act of the respondent is illegal and against the principles of natural justice. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the second respondent produced a letter dated 25.06.2024 in Na.Ka.No.2512/2022/A1, wherein it has been stated the thar road which is in the subject property is the pathway used by the residents of that area and in particular the petitioner herein is using the road to reach his farm from his residence. It is pertinent to note that 24 families who are relatives of the petitioner who residing in that area have let their share of the land for the formation of the subject road. In the year 1996 based on



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the representation given by the residents of that area, the concerned Panchayat has provided basic amenities in that particular area such as drinking water, street light etc., Thereafter, in the year 2021-2022 cement road was also laid and the residents of that area has given a statement that even though the road exists in our land the concerned Panchayat is maintaining the land.

5. In view of the above said position, the petitioner is not entitled to the relief as prayed for and accordingly, the Writ Petition is dismissed. No costs. However, the petitioner is at liberty to work out the remedy in the manner known to law.

26.06.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To



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V.BHAVANI SUBBAROYAN, J.



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