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W.P.No. 34587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 34587 of 2024

P.Selvaraj

... Petitioner

Vs

1. The Collector,
Salem District,
Salem
2. The Revenue Divisional Officer,
Mettur,
Salem District
3. The Block Development Officer,
Mecheri Block Development Office,
Mettur Taluk,
Salem District
4. The Tahsildar,
Mettur,
Salem District



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5. The Inspector of Police
Mecheri Police Station,
Salem District

6. Saravanan

7. Sundaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the 3rd and 4th respondents to consider and pass orders on the objection dated 30.09.2024 and 15.10.2024 made by the petitioner and till such time direct the respondents 1 to 4 not to survey and issue separate patta to the 6th respondent in S.Nos.242/3A and 243/2A in Mecheri, Mettur Taluk, Salem District.

For Petitioner	:	Mr.V.Elangovan
For Respondent 1 to 4	:	Mr.Alagu Gowtham Government Advocate
For Respondent 5	:	Mr.R.Vinoth Raju Government Advocate (Crl Side)

ORDER

The above writ petition has been filed for the following relief:

*“To issue a writ of Mandamus directing the 3rd
and 4th respondents to consider and pass orders on*



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the objections dated 30.09.2024 and 15.10.2024 made by the petitioner and till such time, direct the respondents 1 to 4 not to survey and issue separate patta to the 6th respondent in S.Nos.242/3A and 243/2A in Mecheri, Mettur Taluk, Salem District.”

2. The petitioner would submit that, adjacent to the property of the 6th respondent, a road belonging to the panchayat is situate in S.No.242 measuring 15 feet width. This is the only way to reach Omalur-Mechri main road. In the revenue records, the said road in S.No.242 is classified as “Road”. Respondents 6, 7 and their family members, without any authority, illegally occupied the said road. The illegal occupation was objected by the villagers. The mother of the 6th respondent had filed a suit in O.S.No.176 of 2007 on the file of the District Munsif, Mettur for a decree of permanent injunction restraining the petitioner and others from interfering with the possession of the land in Survey No.242/3A. This injunction suit was filed only with an



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intention to occupy the public road. An Advocate Commissioner, who was appointed in the aforesaid suit, had submitted a report showing that the public road was situate adjacent to Survey No.242/3A and that the road is being used by villagers for over 100 years to reach the nearby villages. The suit was dismissed by a judgment and decree dated 18.07.2013 against which the mother of the 6th respondent had filed an appeal in A.S.No.17 of 2017 on the file of the Subordinate Court, Mettur. This appeal has been dismissed for default on 01.06.2023 and the same has not been restored to file.

3. The petitioner had filed W.P.No.3383 of 2024 against respondents 6 and 7 and sought to have the road restored to its original position. This Court, by its order dated 16.02.2024, had recorded the submission made by the learned Special Government Pleader appearing on behalf of the respondents 1, 2 and 4 that necessary action on the representation would be taken by the authorities expeditiously. Therefore, the order was passed directing that the representation should



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be considered and a decision would be taken, after affording an opportunity of personal hearing to the petitioner and the respondents 6 and 7. The respondents were directed to file a compliance report on 30.09.2024. However, no action was taken pursuant to this order and therefore, he was compelled to file a Contempt Petition No.1999 of 2024 and the same is still pending. Even then, the officials have not taken any action. While this Contempt Petition was pending, the 6th respondent filed W.P.No.10457 of 2024 to survey the land in S.No.242/3A and 243/2A and demarcate the same. The earlier orders of the Court in W.P.No.3383 of 2024, including the contempt petition has not been brought to the notice of the learned Judge, Therefore, this Court by order dated 18.04.2024 in W.P.No.10457 of 2024 directed the 1st respondent to consider the representation of the petitioner therein and pass appropriate orders within a period of two months from the date of receipt of a copy of that order, after giving notice to the neighbouring land owners and any other interested persons.



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4. In the light of the orders passed by this Court in W.P.No.10457 of 2024 and W.P.No.3383 of 2024, this Writ Petition is disposed of with the following directions:

- (a) The objections of the petitioner shall be considered first by granting a personal hearing;
- (b) the objections and documents filed shall be considered and orders passed to survey the lands or reject the request for survey; and
- (c) In case, the survey cannot be conducted, a speaking order shall be passed by the respondents. The above exercise shall be concluded within a period of 6 weeks thereafter. No costs.

19.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The Collector,
Salem District,
Salem

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2. The Revenue Divisional Officer,
Mettur,
Salem District
3. The Block Development Officer,
Mecheri Block Development Office,
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P.T.ASHA, J.,

srn

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