



W.A(MD)No.1527 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.1527 of 2024

and

CMP(MD)No.11883 of 2024

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Assistant Divisional Engineer,
Highways Department,
Madurai Road,
Aruppukkottai.

3. The Tahsildar,
Aruppukkottai,
Virudhunagar District.

... Appellants

vs.

1. Kandhasamy Chettiyar

2. K.Ramasamy Pandian

3. Muthu Gounder

4. Manai Telungu Chettiar Uravinmurai,
Through its President, S.Ariyappan

... Respondents

(4th Respondent is impleaded vide Court order dated 14.08.2024 made in CMP(MD)No.3196 of 2024 in CMP(MD)No.223 of 2024 in WA(MD)SR.No. 444 of 2024)



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Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 07.09.2022 in W.P(MD)No.1469 of 2015.

For Appellants : Mr.SRA.Ramachandran
Additional Government Pleader
For R4 : Mr.M.Thirunavukkarasu

JUDGMENT

(Judgement of the Court was made by **R.SUBRAMANIAN, J.**)

The Government is on appeal against the Mandamus issued forbearing it from taking any coercive steps to lay a road in the vacant land measuring about 600 square feet out of 13 acres comprised in Survey No.286/1 of Maravar Perungudi Village, Aruppukkottai Taluk, Virudhunagar District.

2. The 1st respondent/writ petitioner sought for prohibitive Mandamus on the ground that the land in Survey No.286/1 is classified as kalam and it is used by the public of the locality. It was also pointed out that the Civil Court in O.S.No.113 of 1987 and O.S.No.400 of 2013 to which, the Highways Department and revenue authorities respectively were parties, had categorically held that the land in question should be used by the community members of Maravar Perungudi Village and a permanent injunction was also granted restraining the Government from interfering with the decision of the people for



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community activities. In the teeth of the said decrees that are granted, the Writ Court had allowed the writ petition issuing a Mandamus forbearing the respondents in the writ petition from laying road in the land in question. Before the Writ Court, it was represented that there is a proposal to file an appeal against the judgment in O.S.No.400 of 2013. In the event the appeal is filed and in the event the appellants succeed before the appellate Court, it will be open to them to lay the road.

3. The Writ Appeal is dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
04.09.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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3. The Tahsildar,
Aruppukkottai,
Virudhunagar District.

JUDGMENT MADE IN
W.A(MD)No.1527 of 2024
DATED : 04.09.2024