



W.P(MD)No.789 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.789 of 2024
and
WMP(MD)No.784 of 2024

N.Joseph

.. Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

3.The Block Development Officer,
Kariyapatti Panchayat Union,
Virudhunagar District.

4.The Panchayat President,
Vakkanankundu Panchayat,
Kariyapatti Taluk,
Virudhunagar District.

.. Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, direction to the 3rd and 4th respondents restricting them to lay the road in the petitioner's patta



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land situated in Survey Nos.6/6B1A and 6/6B1B, comprising Patta No.76,
Chithumoondraidaippu Village, Vakkanankundu Panchayat, Kariyapatti
Taluk, Virudhunagar District.

For Petitioner : Mr.T.Veerakumar
For Respondents : Mr.P.Thambidurai
Government Advocate
for R1 to R3

: Mr.J.Ashok
for R4

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, to direct the 3rd and 4th respondents restricting them to lay the road in the petitioner's patta land situated in Survey Nos.6/6B1A and 6/6B1B, comprising Patta No.76, Chithumoondraidaippu Village, Vakkanankundu Panchayat, Kariyapatti Taluk, Virudhunagar District.

2. Mr.P.Thambidurai, learned Government Advocate takes notice for the respondents 1 to 3. Mr.J.Ashok, learned counsel takes notice for the fourth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel for the petitioner would submit that the petitioner has given a representation dated 29.12.2023 to the respondents not to lay the road in the petitioner's patta land situated in Survey Nos. 6/6B1A and 6/6B1B, comprising Patta No.76, Chithumoondraidaippu Village, Vakkanankundu Panchayat, Kariyapatti Taluk, Virudhunagar District. He would further submit that the respondents cannot lay road on his patta land without issuing any notice as per law. Hence, the petitioner has come before this Court.

4. The learned counsel appearing for the fourth respondent/Panchayat President, Vakkanankundu Panchayat, would submit that they are not proceeding to lay the road in the petitioner's patta land and now they stopped the work. He further submitted that they will only proceed as per law.

5. Considering the facts and circumstances of this case, this Court finds merit in the case of the petitioner. Accordingly, the third and fourth respondents are directed not to lay any road on the petitioner's patta land without following due process of law.



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6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
PJJ

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

3.The Block Development Officer,
Kariyapatti Panchayat Union,
Virudhunagar District.

4.The Panchayat President,
Vakkanankundu Panchayat,
Kariyapatti Taluk,
Virudhunagar District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

PJL

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