



W.P.(MD)No.2470 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 06.02.2024

CORAM

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

W.P(MD)No.2470 of 2024

and

W.M.P(MD)No.2468 of 2024

Murugesan

...Petitioner

/Vs./

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

3.The Block Development Officer,
Thiruvarangulam,
Pudukkottai District.

4.The President,
Andikulam Panchayat,
Alangudi Taluk,
Pudukkottai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to lay the Road in the petitioner's property comprised in Survey No.185/38 Patta No.61 to an extent of 00163 sq.meter situated at Melapattu,



W.P.(MD)No.2470 of 2024

M.Rasiyamangalam, Alangudi Post, Alangudi Taluk, Pudukkottai District,
based on the petitioner's representation dated 29.01.2024.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.D.Gandhiraj (R1 & R2)

Special Government Pleader

Mr.J.John Rajadurai (R3 & R4)

Government Advocate

ORDER

This Writ Petition has been filed for issuance of writ of mandamus, directing the respondents not to lay road in the petitioner's property comprised in Survey No.185/38, patta No.61 measuring to an extent of 00163 sq.meters situated at Melapattu, M.Rasiyamangalam, Alangudi Post, Alangudi Taluk, Pudukkottai District, based on the petitioner's representation dated 29.01.2024.

2. According to the petitioner, the subject property is an ancestral property and there is also a concrete house. On 04.01.2024, when the third respondent approached the petitioner for giving his patta land for laying the road, the petitioner refused to give it. All of a sudden, on 13.01.2024, the respondents 3 and 4, demolished a portion of the petitioner's house with the help of the panchayat members. The petitioner lodged a police complaint and



W.P.(MD)No.2470 of 2024

applied for survey of the subject property. Even though the petitioner submitted a petition to remove the trespassed portion of the subject property, the respondents 3 and 4 have started to lay the road in his patta land. The petitioner has also made a representation dated 29.01.2024 with regard to the same. Since no action has been taken by the respondents till date, the present writ petition has been filed.

3. The learned Special Government Pleader and the Government Advocate appearing for the respondents submits that if there is any violation by the petitioner, necessary action will be taken by the respondents.

4. Heard the learned counsel for the petitioner and learned Special Government Pleader and the learned Government Advocate appearing for the respondents.

5. Considering the facts and circumstances of this case, the respondents are directed to find out as to whether there is any road margin in the subject property and if it is so, find out whether the road is laid as per the scheme provided. If the petitioner's patta land is included in road formation, then appropriate compensation shall be paid by the respondents. If the road is not in



W.P.(MD)No.2470 of 2024

the patta land, the respondents shall proceed further in laying of the road. It is also made clear that if there is any obstruction made by the petitioner, the respondents shall proceed further in the manner known to law. This Court also directs the respondents to consider the representation of the petitioner dated 29.01.2024 and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

NCC : Yes/No
Index : Yes/No
sm



W.P.(MD)No.2470 of 2024

WEB COPY TO:-

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.
- 3.The Block Development Officer,
Thiruvarangulam,
Pudukkottai District.
- 4.The President,
Andikulam Panchayat,
Alangudi Taluk,
Pudukkottai District.



WEB COPY



W.P.(MD)No.2470 of 2024

V.BHAVANI SUBBAROYAN, J.

sm

Order made in
W.P(MD)No.2470 of 2024

Dated:
06.02.2024