



W.P.(MD)No.18312 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18312 of 2024
and W.M.P.(MD)No.15592 of 2024

1. Kathamuthu
2. Subramanian
3. Manivannan

... Petitioners

Vs

1. The District Collector,
O/o.The District Collector,
Pudukkottai.
2. The Block Development Officer,
Thiruvarankulam,
Pudukkottai District.
3. The President,
Vallathirakkottai Village Panchayat,
Alangudi Taluk, Pudukkottai District.
4. Rajkumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from in any manner laying the cement block road in the petitioner own patta property comprised in Survey Nos.244/36A, 244/36B, 244/36C and also survey



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No.34/8, of an extent of 0.26.00 ares, situated at Vallatirakkottai village Alangudi Taluk, Pudukkottai District by considering the petitioner representation, dated 26.07.2024.

For Petitioners : Mr. B.Jameel Arasu

For Respondents : Mr.D.Gandhiraj (R1)
Special Govt. Pleader

Mr.M.Sarangan (R2,R3)
Additional Govt. Pleader

ORDER

This Writ Petition has been filed restraining the respondents 1 to 3 from laying the cement block road in the petitioner's own patta property comprised in Survey Nos.244/36A, 244/36B, 244/36C and also in survey No.34/8, situated at Vallatirakkottai village Alangudi Taluk, Pudukkottai District by considering the petitioner's representation, dated 26.07.2024..

2. According to the petitioners, the aforesaid survey numbers are absolutely belong to them. In the said properties, the respondents are laying the cement block roads.

3.The learned Additional Government Pleader appearing for the respondents 2 & 3 submitted that the road was already in existence. Further, it is



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the specific contention that road is not laid in any of the aforesaid survey numbers belong to the petitioners.

4.It is seen from the photographs and the revenue records filed by the learned Additional Government Pleader that the road has been laid in S.Nos.34/1, 34/2 and 244/26. In the said photographs, both the previous and present stage of the road is also shown. It makes it very clear that the aforesaid area is already used as road. Hence, no doubt, it is the stand of the respondents that road was not laid in the survey numbers of the petitioners.

5.In such case, it is for the petitioners to establish the fact that any of the parties has made encroachment in their properties, by way of filing a suit before the competent Civil Court. Further, liberty is granted to the petitioners to file a petition to survey their properties under Tamil Nadu Survey and Boundaries Act. If they establish the fact that the respondents have encroached upon the property of the petitioners, the respondents are liable to pay compensation.



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6. With these directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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O/o. The District Collector,
Pudukkottai.
2. The Block Development Officer,
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Pudukkottai District.
3. The President,
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N.SATHISH KUMAR, J.

PNM

ORDER IN

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