



W.P.(MD)No.22956 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22956 of 2024

and

W.M.P.(MD)Nos.19470 and 21516 of 2024

Mumtaj Begam

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Pudukkottai & District.
- 2.The Executive Officer of Arimalam,
Town Panchayat,
Arimalam,
Thirumayam Taluk,
Pudukkottai District.
(R2 cause title is amended vide
Court order dated 22.11.2024, in
W.M.P.(MD)No.21514 of 2024
in W.P.(MD)No.22956 of 2024 by LVGJ)
- 3.The Tahsildar,
Taluk Office,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Sub-Inspector of Police,
Arimalam Police Station,
Thirumayam Taluk,
Pudukkottai District.

5.Jameela

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from forming the road in the portion of S.F.No.355/4B1A with an extent of 0.01.82 Ares of Arimalam Revenue Village, Thiurmayam Taluk, Pudukkottai District.

For Petitioner : Mr.M.Anbarasan
For M/s.KBS Law Office
For Respondents 1 to 3 : Mr.T.Amjad Khan
Government Advocate
For 4th Respondent : Mr.K.Gnana Sekaran
Government Advocate (Crl.)
For 5th Respondent : Mr.Mahaboob Athiff

ORDER

This Writ Petition is filed, forbearing the respondents from forming the road in the portion of S.F.No.355/4B1A, with an extent of 0.01.82 Ares of Arimalam Revenue Village, Thirumayam Taluk, Pudukkottai District.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.

3.The petitioner's husband Abdul Jaffer inherited the property consisting an area of 0.01.82 Ares of Arimalam Revenue Village, Thirumayam Taluk, Pudukkottai District, by the strength of a family partition deed on 21.02.2017. The said property has also been mutated in



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favour of the petitioner's husband Abdul Jaffer. The said Abdul Jaffer has executed a registered settlement deed dated 28.08.2023, with respect to the said property in favour of his only son, Rawthar Kasim and the aforesaid Kasim is working in United Kingdom as on today. With proper plan approval, the construction of the house is going on in the said property. Already in the northern side of her son's property, there is an existing mud pathway. Now the respondents 1 to 3 are taking steps to put up thar road in the said pathway. The petitioner anticipates in the guise of putting up thar road, the respondents 1 to 3 may encroach upon the patta land of her son's land, who is not in station. In view of the same, the petitioner required the Taluk Surveyor to conduct the survey of the property situated in S.F.No.355/4B1A, by remitting the requisite fee and the survey was also conducted on 18.08.2024. Following which, the four boundaries of the petitioner's son properties has also been demarcated. Four boundaries of the petitioner's land comprising an extent of 0.01.82 Ares of Arimalam Revenue Village, has been demarcated by the revenue authorities, this Court is of the considered view that the respondents 1 to 3 may proceed with forming a thar road along the existing portion of prevailing mud road without encroaching into demarcated portion of the patta land consisting an area of 0.01.82 Ares of Arimalam Revenue Village, belonging to the petitioner's son namely, Rawther Kasim.



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4. With the above observation, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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Thirumayam Taluk,
Pudukkottai District.
3. The Tahsildar,
Taluk Office,
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L.VICTORIA GOWRI, J.

Mrn

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