



W.P (MD).No. 26125 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.26125 of 2024

R.Santhanakrishnakumar

...Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Theni District, Theni.

3.The Tahsildar,
Theni District,
Theni Taluk.

4.The Commissioner,
Theni Allinagaram Municipality,
Theni District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from permitting and utilizing the petitioner's property for the purpose of temporary public transport through the petitioner's property, comprised in T.S.No.3, Block No.18, Ward E, Theni Taluk, Allinagaram Village, measuring an extent of 2349 Sq.ft of fertile land, without following the proceedings under the Land Acquisition Act and



W.P (MD).No. 26125 of 2024

directing them to consider the petitioner's reply, dated 29.08.2004 for the notice sent by the fourth respondent, dated 23.08.2024 under the proceedings in Na.Ka.No.2572/2024/F-1.

For Petitioner : Mr.M.Ponniah
For R1 to R3 : Mr.D.Gandhi Raj
Special Government Pleader
For R4 : Mr.G.Kalishwaran
Standing Counsel

ORDER

This writ petition has been filed for a direction forbearing the respondents from permitting and utilizing the petitioner's property for the purpose of temporary public transport.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P (MD).No. 26125 of 2024

4. The petitioner owned the property comprised in T.S.No.3 at measuring 2349 Sq.meter and it is situate adjacent to the properties in Survey Nos.348, 351/1, 361/1 and 363 to an extent of 40 cents. Now, the respondents are attempting to encroach upon the petitioner's land and decided to lay a road without due process of law.

5. Mr.G.Kalishwaran, learned Standing Counsel appearing for the fourth respondent, on instructions, would submit that the notice, dated 23.08.2024 due to renovation work at Rajavaikal (canal) there is a traffic congestion in Allinagaram Road and in order to regulate the traffic, part of the property of the petitioner was sought for to be used as a road for a period of four months. However, they never intended to lay any road on the property belongs to the petitioner.

6. The learned counsel for the petitioner would submit that if at all the fourth respondent intended to lay a road, let them acquire the petitioner's land and then lay a road for which, the petitioner has no objection.

7. In view of the above, the respondents are directed not to lay any road without any due process of law in the petitioner's patta land. However, as



W.P (MD).No. 26125 of 2024

per the notice, dated 23.08.2024 if the fourth respondent divert the traffic through the petitioner's patta land, it can be done only after getting proper permission from the petitioner in accordance with law.

8. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

04.11.2024

To

- 1.The District Collector,
Theni District,
Theni.
- 2.The Revenue Divisional Officer,
Theni District, Theni.
- 3.The Tahsildar,
Theni District,
Theni Taluk.



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W.P (MD).No. 26125 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P (MD).No.26125 of 2024

04.11.2024