



WP(MD). No.25046 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.25046 of 2024 and
WMP(MD) No.21329 of 2024**

Prabhakar

... Petitioner

Vs

1. The District Collector,
District Collectorate,
Ramanathapuram..

2. The Assistant Director (Panchayath),
District Collectorate,
Ramanathapuram District..

3. The Tahsildhar,
Ramanathapuram Taluk Office,
Ramanathapuram..

4. The Block Development Officer,
Mandapam Union Office,
Uchipuli,
Ramanathapuram District..

5. The President,
Kuyavankudi Village,
Ramanathapuram Taluk and District.

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents Nos.4 and 5 not to lay road in patta land in Survey No. 122/5A situated at Muniyan Valasai, Kuyavankudi Revenue village, Ramanathapuram Taluk and District, on the basis of the petitioner's representation dated 07.10.2024.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.D.Gandhiraj for R1 to R3
Special Government Pleader
Mr.T.Amjad Khan for R4&R5
Government Advocate

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus to direct the respondents Nos.4 and 5 not to lay road in patta land in Survey No. 122/5A situated at Muniyan Valasai, Kuyavankudi Revenue village, Ramanathapuram Taluk and District, on the basis of the petitioner's representation dated 07.10.2024.



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3. It is the grievance of the petitioner that the petitioner has purchased the property in Doc.No.547/1989 dated 16.03.1989. Thereafter, his father constructed a house in two cents out of 13 cents. Now, the respondents 4 and 5 made an attempt to lay a road in the western side corner of the petitioner's property. Hence, the petitioner is before this Court with this writ petition.

4. The learned Government Advocate appearing for the respondents 4 and 5, on instructions, would submit that direction was given to measure the property. However, survey has not been allowed and therefore, the respondents have not laid any road in a private property. Meanwhile, the villagers have laid the road with paver blocks in the private property. He would further submit that survey would be conducted in this regard and in the survey, if it is found that the petitioner's property has been used for laying the paver block, the same will be removed, after proper survey. The said submission is recorded.

5. I have considered the rival submissions and perused the materials available on record.



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6. In view of the above, the respondents 4 and 5 shall conduct a survey in the presence of the Tahsildar within a period of 15 days and if it is found that the petitioner's land has been encroached and paver blocks have been laid, the same has to be removed and the road has to be laid in some other place.

7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

22.10.2024

RR

TO

1. The District Collector,
District Collectorate,
Ramanathapuram..

2. The Assistant Director (Panchayat),
District Collectorate,
Ramanathapuram District..

3. The Tahsildhar,
Ramanathapuram Taluk Office, Ramanathapuram..

4. The Block Development Officer,
Mandapam Union Office,
Uchipuli, Ramanathapuram District..

4/5



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N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.25046 of 2024**

Date : 22/10/2024