



W.A.(MD)No.1191 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM:

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

AND

THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1191 of 2017

D.Kaliyaperumal

...Appellant

/Vs./

- 1.The District Collector,  
Thanjavur District,  
Thanjavur.
- 2.The Revenue Divisional Officer,  
Thanjavur District,  
Thanjavur.
- 3.The Tahsildar,  
Office of the Tahsildar,  
Orathanadu,  
Thanjavur District.



W.A.(MD)No.1191 of 2017

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4.The Assistant Director,  
District Rural Development,  
Office of the Collectorate,  
Thanjavur District.

5.The Block Development Officer,  
Orathanadu Union,  
Orathanadu,  
Thanjavur District.

6.The President,  
No.54, Amabalapattu South Village Panchayat,  
Amabalapattu South Post,  
Orathanadu Taluk,  
Thanjavur District.

7.The President,  
No.54, Amabalapattu North Village Panchayat,  
Amabalapattu North Post,  
Orathanadu Taluk,  
Thanjavur District.

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to  
allow the writ appeal and to set aside the order passed by this Court in  
W.P.(MD)No.21421 of 2015 dated 20.07.2017.

For Appellant : No appearance

For Respondents : Mr.M.Prakash (R1 to R5)

Additional Government Pleader

No appearance (R6 & R7)



W.A.(MD)No.1191 of 2017

## **JUDGMENT**

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(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed by the writ petitioner challenging the order passed by this Court dated 20.07.2017 in WP(MD)No.21421 of 2015, which was filed to forbear the respondents from laying any road on the writ petitioner's patta land by following the procedure contemplated under the Act.

2. The case of the writ petitioner is that he is the absolute owner of the subject property in S.No.923/2B measuring to an extent of 1.99.0 Ares situated at Ambalapattu North Village, Orathanadu Taluk, Thanjavur District, wherein the respondents were trying to lay thar road.

3. When the matter was taken up for hearing, it was submitted before the writ Court that there was a mud road in the land in question and there was no proposal for laying thar road. Recording the said submission, the learned single Judge of this Court disposed of the writ petition. Challenging the same, the writ petitioner has filed this writ appeal.



W.A.(MD)No.1191 of 2017

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4. The learned counsel appearing for the appellant submits that the appellant's land was acquired by the respondents and it is admitted by the respondents that there is a mud road in the appellant's land. The learned single Judge of this Court failed to consider the payment of compensation to the appellant for acquisition of the land and the respondents failed to follow the acquisition proceedings to acquire the appellant's land. The appellant's representation has also not been considered by the respondents.

5. Heard the learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the official respondents.

6. It is seen from the typed set of papers that patta for the aforesaid land also stands in the name of the appellant herein. If at all the respondents acquire the land for public purpose, they have to proceed in the manner known to law. Without following the acquisition proceedings contemplated under law, the respondents cannot acquire the land without giving any compensation to the land owner.



**W.A.(MD)No.1191 of 2017**

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7. This Court is of the considered view that if the respondents want to lay any road in any of the individual patta land, they have to acquire the land only by following the rules and regulations and also payment of compensation to the land owner. Without giving any compensation to the appellant, the respondents cannot proceed further. The respondents has put up a mud road without acquiring the land and without paying any compensation.

8. With the above observations, the order of the writ Court dated 20.07.2017 made in WP(MD)No.21421 of 2015 is set aside and this writ appeal is allowed accordingly. There shall be a direction to the respondents to follow the due procedure contemplated under law for laying of any road in the individual patta land.

**(V.B.S.J.) & (K.K.R.K.J.)**  
**11.03.2024**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes  
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W.A.(MD)No.1191 of 2017

**V.BHAVANI SUBBAROYAN, J.**  
**and**  
**K.K. RAMAKRISHNAN, J.**

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TO:-

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Judgment made in  
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Dated:  
**11.03.2024**