



W.P.(MD)No.28994 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28994 of 2024

and

W.M.P(MD)No.24553 of 2024

V.Rajendran

...Petitioner

-Vs-

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.The Block Development Officer(Panchayat),
Kannangudi Union Office,
Kannangudi,
Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to not to lay the public road in petitioner's patta land in No.163/16C, Iruvanivayal Village, Devakottai Taluk, Sivagangai District by considering the petitioner's representation dated 08.10.2024.



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For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for RR1 & 2
Mr.D.Gandhi Raj
Special Government Pleader for R3

ORDER

This writ petition has been filed for a direction, directing the respondents not to lay the public road in the petitioner's Patta land comprised in S.No. 163/16C situated at Iruvanivayal Village, Devakottai Taluk, Sivagangai District.

2.The petitioner has owned the property comprised in survey No.163/16C situated at Iruvanivayal Village, Devekottai Taluk, Sivagangai in patta No.718. While being so, the third respondent has attempted to trespass into the petitioner's property without any permission from the petitioner and lay the road in the petitioner's patta land. Therefore, the petitioner has filed a suit in O.S.No. 55 of 2024 on the file of the District Munsif Court, Devakottai which is pending for adjudication as against the respondents seeking permanent injunction in respect of the subject property. However, it is pending without any interim order. While pending the suit, all of a sudden, the respondent has attempted to lay a public road in the petitioner's patta land. Therefore, the petitioner has submitted a representation and the same has not been considered by the



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respondents.

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3. On instructions, the learned Additional Government Pleader appearing for the respondent 1 and 3 submits that there is already existing road and in order to lay a public road under the panchayat fund, they intended to lay Thar road. That apart, the adjacent land owner one Chinnathambi represented through his counsel that the proposed road is going to be laid not in the petitioner's patta land. It is situated adjacent to the patta land.

4. In view of the above, the second respondent is directed to survey the petitioner's patta land and lay a road in the property belongs to the adjacent owner namely, Chinna Thambi and Periya Thambi. If any road is to be laid in the petitioner's patta land, the respondents are directed to lay a road under due process of law.

5. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

04.12.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

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G.K.ILANTHIRAIYAN. J,

RJR

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