



W.P.(MD)No.25 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25 of 2024

P.Nagalingam

... Petitioner

Vs

- 1.The District Collector,
O/o. District Collectorate,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Thasildhar,
Kalayarkovil Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Kalayarkovil Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1 to 4th respondents not to lay the road on petitioner's agricultural land bearing survey No.190/3, Subsequently considering the representation 04.12.2023 within the period that may be stipulated by this Court.



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For Petitioner : Ms.V.Sebastinal Preethi

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For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 to R3.
Mr.V.Nirmal Kumar,
Govt. Advocate for R4.

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 not to lay the road on petitioner's agricultural land in survey No.190/3 by considering the representation 04.12.2023 within the period that may be stipulated by this Court.

2.The learned counsel for the petitioner submitted that the petitioner is having land in S.No.190/3 to an extent of 1 Acre and 12 Cents in Vembani Village, Kalayarkovil Taluk. There is a common pathway and canal. They were used for agricultural purposes. One Natarajan intended to usurp his property as well as the common pathway and canal and he planned to lay a road. Therefore, the petitioner filed O.S.No.49 of 2021 before the District Munsif Court, Sivagangai seeking the relief of permanent injunction and it is still pending. The said Natarajan colluded with the official respondents and planned to lay road on the petitioner's agricultural land also. Hence, the petitioner sent



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representation to the respondents on 04.12.2023 but no action was taken on the said representation. The petitioner left with no other option filed the present writ petition.

3.The learned Additional Government Pleader appearing for the officila respondents that the impugned order does not call for interference. He submitted that the road in going to be lain on Natarajn's land not on the petitioner's patta land. He called upon this Court to dismiss the writ petition.

4.Heard Ms.V.Sebastinal Preethi, learned counsel for the petitioner, Mr.S.RA.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.V.Nirmal Kumar, learned Government Advocate appearing for the fourth respondent.

5.This Court had perused the materials on record. The learned counsel for the petitioner produced a sale deed dated 17.05.1968 and submitted that the petitioner purchased the land from one Periyasamy. It is seen therefrom that the schedule of the property is S.No.219/19 measuring an extent of 1 Acre 12 Cents. The petitioner's survey number is 219/19B to an extent of 0.43.00 hectares as per patta No.495 issued by the revenue department. It is



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seen from the revenue record, the petitioner has no right in S.No.190/3 and it stands in the name of Gunchuratham Ammal. According to the respondents, the road is going to be laid on Natarajan's land and not on the petitioner's patta land. While the petitioner has right in S.No.188/4B, 193/4B, 197/3A, 198/18, 219/19B and 205/9A, he has no right in S.No.190/3. That being the case, the petitioner is not entitled to get any relief from this Court. The writ petition suffers from the vice of non-joinder of necessary party also. It is to be seen that the said Natarajan had gifted 30 cents of land in S.No.190/3 for laying road. It was registered vide Document No.4001/2021 on the file of the Sub Registrar, Kalayarkovil. The petitioner has not made out a case for granting relief and the writ petition stands dismissed. No costs.

08.02.2024

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