



W.P.No.34225 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34225 of 2013

and

M.P.Nos.1 of 2013 and 1 of 2014

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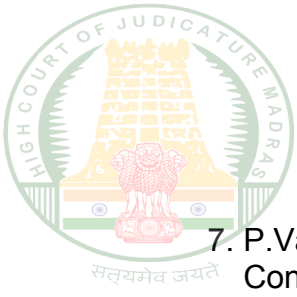
Valliammal

Vs.

.. Petitioner

1. The Director of Rural Development
and Panchayati Raj,
Panagal Buildings,
Chennai-600 015.
2. The District Collector,
Salem District,
Salem-636 001.
3. The Project Officer,
District Rural Development Agency,
Collectorate,
Salem-636 001.
4. The Executive Engineer,
Rural Development,
District Rural Development Agency,
Salem-636 001.
5. The Block Development Officer,
Gangavalli Panchayat Union,
Salem District-636 105.
6. The Tahsildar,
Gangavalli,
Salem District-636 105.

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7. P.Vadivel,
Contractor,
Kuppanur,
Periya Kadampatty Post,
Tharamangalam,
Omalur Taluk,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondents from laying road or constructing wall or putting up construction of any form in the lands in Survey Nos.20/1, 20.11, 20/13, 20/14, 44/7, 45/1, 45/3 and 46/4 in Veppanthattai Village, Gangavalli Taluk, Salem District.

For petitioner : M/s.T.M.Hariharan

For respondents: Mrs.S.Anitha, Spl.G.P. for RR-1 to 4 and R-6
Mr.S.Guansekaran for R-5

Writ Petition dismissed as against Respondent
No.7, Vide order of Court dated 20.02.2023
made in W.P.No.34225 of 2013)

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to forbear the respondents from laying road or constructing wall or putting up construction of any form in the lands in Survey Nos.20/1, 20.11, 20/13, 20/14, 44/7, 45/1, 45/3 and 46/4 in Veppanthattai Village, Gangavalli Taluk, Salem District.

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2. Learned counsel for the petitioner submitted that the petitioner is the owner of the above said lands and since the respondents have taken steps to lay the road, the petitioner has filed the present Writ Petition.

3. Learned counsel for the petitioner further submitted that the very same petitioner has filed W.P.No.12951 of 2011, and a Division Bench of this Court, by order dated 15.06.2011, while disposing of the said W.P.No.12951 of 2011 along with W.P.Nos.3743 and 12950 of 2011, had observed as follows in paragraph 5:

"5. In W.P.No.12951 of 2011, the petitioner Tmt.Valliammal has questioned the eviction notice issued to her in respect of lands comprised in S.Nos.45/3, 46/2 and 46/4. In so far as S.No.46/2, it is seen from the report of the Collector that the land is a Government land and Tmt.Valliammal has been evicted. In respect of lands in S.Nos.45/3 and 46/4, the report of the Collector states that they are patta lands standing in the name of Tmt.Valliammal and not the P.W.D. land and eviction is not necessary. In view of the fair stand taken by the Collector in his report dated 13th June, 2011, it has to be held that the notice of eviction in respect of S.Nos.45/3 and 46/4 stands recalled. In respect of land in S.No.46/2, as the petitioner has already been evicted, no further orders are required in this writ petition, except for recording the above fact. Accordingly, the writ petition in W.P.No.12951 of 2011 is disposed of. No costs. Consequently, the connected miscellaneous petitions



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are closed."

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4. Subsequent to the disposal of the writ petitions by the Division Bench of this Court, a clarification petition was filed in M.P.No.2 of 2011 in W.P.No.12951 of 2011. The said clarification petition was filed to clarify the order dated 15.06.2011 in W.P.No.12951 of 2011 holding that the lands in S.No.46/3, Vepanthatai Village, Gangavelli Taluk, Salem District is not a poramboke land but comprised in patta No.87. A Division Bench of this Court in M.P.No.2 of 2011 in W.P.No.12951 of 2011, by order dated 21.09.2011, clarified as follows:

"5. In the light of the above averments, it is seen that the land in Survey No.46/3, is classified as Tharisu before Updating Registry Scheme in 1984, but however, subsequently assignment has been made and it is contended that the said assignment and subsequent sub-division is illegal. In the light of the above averment, wherein it has been stated that there is an assignment as on date, it appears that the assignment has not been cancelled, though it is stated to be an improper assignment.

6. Thus as on date, the land has to be treated as an assigned land and therefore to that extent, the order and direction issued in the writ petition is clarified, by holding that the land in survey No.46/3, shall be treated as an assigned land and not as a poramboke land. However, it is made clear that this



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finding shall not prevent the respondents from initiating any appropriate action, they may deem fit for cancellation of such assignment, if there is any illegality or irregularity in the grant of such assignment after following due process of law.

7. With the above observation, the petition is disposed of. No costs."

5. Hence, learned counsel for the petitioner prayed that the Court may issue direction not to lay the road in S.No.46/3, without resorting to any acquisition proceedings.

6. Learned Special Government Pleader appearing for respondents 1 to 4 and 6 and the learned counsel for the fifth respondent, while opposing the present Writ Petition, submitted that in respect of S.No.46/3 which was assigned in favour of the petitioner, if the assignment is contrary to the undertaking given by the petitioner, the assignment order may be cancelled and hence, this Court may give liberty to the respondents to proceed with the cancellation of acquisition based on the above said order of the Division Bench of this Court.

7. Heard both sides and perused the materials available on record.

8. The facts are not in dispute. Admittedly, the lands in question belong to the petitioner. The lands are classified under the Adi Dravidar Welfare Schemes and hence, the petitioner cannot claim any ownership in respect of the landed properties.

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9. In the counter affidavit filed by the fifth respondent, dated 31.01.2014, it is stated as follows with regard to the road formation:

"6. I humbly submit that as far as W.P.3743/2011 is concerned, it is prayed for removal of encroachments in Survey No.46/3, 45/3 and 46/5. But the current WP is praying for stoppage of improvement of road work of already existing road. I submit that the proposed improvemet of road work is not passed through the survey numbers of 20/1, 20/11, 20/13, 20/14 and 44/7 as contended by the petitioner. As far as survey No.45/1 is concerned, it is mentioned in the revenue records as "Tharisu". Further though the land in Survey No.45/3 and 46/4 patta was given in the name of petitioner it is also mentioned as "Boosththi Cart Road" in the revenue records. Hence it is clear that there was already a cart road is there. Now that Boosththi Cart Road in Survey No.45/3 and 46/4 is proposed to improve and no new road is forming, Thus the petitioner's averments is totally incorrect that there is a road is forming in the Survey Nos. as mentioned above."

10. From the above factual aspects and the orders of the Division Bench of this Court in W.P.No.3743 of 2011, it is clear that the authorities are going to lay the road in S.No.45/3 and 46/4 only and the lands in question are stated in

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the Revenue Records as "Tharisu" and there is no plan for the authorities to lay a new road and they are only going to improve the existing road..

11. If at all the respondents/authorities are going to lay a new road in the lands that belong to the petitioner, they shall do the same only by following due process of law.

12. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the miscellaneous petitions are closed.

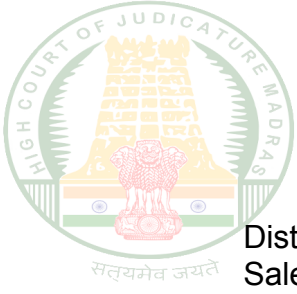
17.09.2025

CS

To

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2. The District Collector,
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3. The Project Officer,
District Rural Development Agency,
Collectorate,
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4. The Executive Engineer,
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District Rural Development Agency,
Salem-636 001.

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5. The Block Development Officer,
Gangavalli Panchayat Union,
Salem District-636 105.

6. The Tahsildar,
Gangavalli,
Salem District-636 105.



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