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W.P.No.24217 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.07.2025

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.24217 of 2025

Gopala Krishnan

...Petitioner

Vs

1. The Collector,
Krishnagiri District,
Collectorate, Krishnagiri District – 635 001.

2. The Thasildar,
Pochampalli Taluk,
Pochampalli Post and Taluk,
Krishnagiri District – 635 206.

3. The Block Development Officer,
Kaveripattinam,
Kaveripattinam Post and Taluk,
Krishnagiri District – 635 112.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 3 respondents to demolish the cement road illegally laid by the 1-3 respondents in the petitioner's patta property situated in S.No.223 of Maruderi Village, Pochampalli Taluk, Krishnagiri District pursuant to the orders dated 23.01.2025 passed by the 3rd respondent vide a.Ka.No.20/2023/A5 within



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the time period stipulated by this Court and pass orders.

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For Petitioner : Mr.J. Chelladurai Caldwell
For Respondents 1&2 : Mr.M.Shajakhan
Special Government Pleader
For Respondent 3 : Mrs. C. Meera Arumugam
Additional Government Pleader

ORDER

Mr.M.Shajakhan, Special Government Pleader takes notice for the first and second respondents. Mrs. C. Meera Arumugam, Additional Government Pleader takes notice for the third respondent.

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

3.This Writ Petition is filed seeking for a Writ of Mandamus directing respondents 1 to 3 to demolish the cement road illegally laid by them in the petitioner's patta property situated in S.No.223 of Maruderi Village, Pochampalli Taluk, Krishnagiri District.



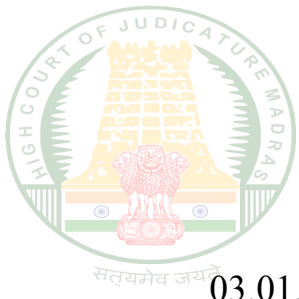
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4. The petitioner is the owner of the agricultural land measuring 0.45 cents, comprised in S.No.223 of Maruderi Village, Pochampalli Taluk, Krishnagiri District, having purchased the same on 20.04.2022. The petitioner thereafter mutated the revenue records and obtained patta. While so the respondents 2 to 4 illegally constructed the cement road in the petitioner's patta land. Therefore, the petitioner submitted a online representation on 01.09.2024, to the Chief Minister's Special Cell and the same was forwarded to the 3rd respondent/ The Block Development Officer. Thereafter, the third respondent issued a letter on 27.09.2024 to the second respondent, to find out if the cement road was laid in the petitioner's property. The second respondent, pursuant to the 3rd respondent letter, inspected the petitioner's property on 04.10.2024 and submitted a report that the road was laid in the petitioner's patta land. Subsequently, the first respondent vide letter dated 22.10.2024, directed the 3rd respondent to take necessary action. In spite of the above communications no action was taken. Hence, the petitioner was constrained to file the above writ petition for the above relief.

5. Heard both counsels and perused the materials placed on record

6. It is seen that the second respondent in his communication dated



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03.01.2025 to the 3rd respondent, clearly reported along with annexures that, the cement road was laid in the petitioner's patta land. Even the third respondent is his reply to the petitioner's RTI application on 23.01.2025, admitted that the road was laid in the petitioner's patta land and that the petitioner was at liberty to utilise the same for his own purpose.

7. From the above said communication of the respondents, it is clear that the road has been illegally laid in the petitioner's patta land. The petitioner in his affidavit has clearly stated that the petitioner was unable to demolish the cement road due to objections of the village people. Hence, the petitioner has sought for a direction from this Court to the respondents to remove the cement road in his patta land. Admittedly, the respondents have illegally laid the road in the petitioner's patta land and therefore, they are bound to remove the same. Since illegality committed by the respondents, they cannot urge the petitioner to obliterate the cement road at his own expenses. For the illegality committed by the respondents, the petitioner should not be penalised. Hence, I am of the considered view that the respondents are bound to remove the cement road illegally laid by them in the petitioner's property.



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8. Under the aforesaid facts and circumstances, I am inclined to issue a direction to the 3rd respondent, to remove the cement road illegally laid in the petitioner's patta land, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the 3rd respondent shall seek police aid, in case of resistance/obstruction by the villagers.

9. Accordingly, this writ petition is disposed of. However, there shall be no order as to costs.

07.07.2025

smn

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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To.

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N.MALA,J.

Smn

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