



W.P.No.26148 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.26148 of 2024

S.Muthukrishnan

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Collectorate, Villupuram District,
Villupuram – 605 602.
- 3.The District Revenue Officer,
Collectorate,
Villupuram District,
Villupuram – 605 602.
- 4.The Revenue Divisional Officer,
Tindivanam,
Villupuram District – 604 001.
- 5.The Tahsildar (Revenue),
Melmalayanur Taluk,
Villupuram District – 604 204.



W.P.No.26148 of 2024

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6.The Block Development Officer
(Village Panchayats),
Melmalayanur Panchayat Union,
Melmalayanur,
Villupuram District – 604 204.

7.The Village Administrative Officer,
Avalurpet and Post,
Melmalayanur Taluk,
Villupuram District – 604 201.

8.The Village President,
Vadugapoondi Village,
Avalurpet Post,
Melmalayanur Taluk,
Villupuram District – 604 201.

9.The Divisional Engineer
(Construction and Maintenance).
State Highways Department,
Thiruvannamalai.

10.The Divisional Engineer
(Construction and Maintenance),
State Highways Department,
Villupuram.

... Respondents

(R9 and R10 impleaded vide order
dated 03.10.2024 made in Memo
filed in W.P.No.26148 of 2024)

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the respondents 1 to 6
to remove the road encroachment portion in Survey No.32 made on
the western side of the petitioner's property abutting Vadugapoondi
Village Panchayat Road leading from South to North bearing Survey
Nos.33/1 and 33/2, Avalurpet Village, Melmalayanur Taluk, Villupuram



W.P.No.26148 of 2024

District by considering the petitioner's representation dated 24.10.2023.

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For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 27.06.2025 which reads as follows:

'W.P.No.26148 of 2024

M.SUNDAR, J.,

and

HEMANT CHANDANGOUDAR, J.,

(Order of the Court was made by **M.SUNDAR, J.,**)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 05.06.2025 which reads as follows:



WEB COPY



W.P.No.26148 of 2024

'W.P.No.26148 of 2024

M. SUNDAR, J.

AND

HEMANT CHANDANGOUDAR, J.

(Order of the Court was made by M. SUNDAR, J.)

From the submissions made at the bar, it comes to light that petitioner's land admeasuring 34 cents thereabout is being used as a road.

2. No acquisition proceedings have been resorted to qua aforesaid 34 cents of land. 3. Faced with the above situation, learned State Counsel requests for time to get instructions on payment of compensation to writ petitioner (to be noted, learned counsel for writ petitioner is agreeable to such a course) and revert to this Court.

4. List three weeks hence. List on 26.06.2025.'

2. Writ petitioner's lands are comprised in S.Nos.33/1 and 33/2 admeasuring total extent of 3 acres and 74 cents. From and out of this 3 acres and 74 cents, afore-referred 34 cents of the writ petitioner's land has been used for widening the existing road is learned counsel for writ petitioner's say. Learned counsel for writ petitioner submits that widening the road became imperative because of the encroachment in S.No.32 which is classified as 'Temple Poromboke'.

3. The grievance of the writ petitioner is, afore-referred 34 cents land belonging to the writ petitioner is being used as a road (used for widening the road) without resorting to any acquisition proceedings much less paying any compensation.

4. Writ petitioner says that he is open to either removal of encroachment in S.No.32 and restoration of 34



WEB COPY



W.P.No.26148 of 2024

cents or continuing to use 34 cents as widened part of the road by paying compensation to the writ petitioner.

5. Learned State Counsel requests for an adjournment to get further instructions and revert to this Court.

List a fortnight hence. List on 11.07.2025.'

3. Adverting to earlier proceedings, more particularly, paragraphs 4 and 5 thereat, learned State counsel (Mr.T.K.Saravanan, learned Additional Government Pleader) on instructions submits that compensation will be the option, the quantum will be arrived at by way of private negotiations between writ petitioner and the State (State i.e., R2) and R2 will make an award under 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)' (hereinafter 'RFT Act' for the sake of convenience and clarity).

4. Though obvious, we make it clear that if the writ petitioner is not satisfied with the quantum, the remedy available under RFT Act will be open to the writ petitioner.



W.P.No.26148 of 2024

5. By consent of both sides, 29.07.2025, Tuesday, 03.00 p.m. and Chambers of R2 (District Collector, Villupuram) are fixed as date, day, time and venue for private negotiations. It is open to the writ petitioner to be accompanied by a lawyer if so desired.

6. R2 will make an award under RFT Act as expeditiously as the official business of R2 permits, however, learned State counsel on instructions submits that the award will be made within four months from 29.07.2025 i.e., on or before 29.11.2025.

7. Captioned WP is disposed of in the aforesaid manner recording the stated position of learned State counsel. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

11.07.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.

Page Nos.6/8



W.P.No.26148 of 2024

WEB COPY

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Villupuram – 605 602.
- 4.The Revenue Divisional Officer,
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W.P.No.26148 of 2024

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W.P.No.26148 of 2024

11.07.2025