



W.P.No.31480



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.31480 of 2025

R. Karthikeyan

Petitioner

vs.

1. The Inspector of Panchayats-cum-District Collector
Tiruvallur 602 001
2. The Tahsildar
Tiruvallur Taluk Office
JN Road, NH 716
Tiruvallur
Chennai 602 001
3. The Block Development Officer
Panchayat Union
Poonamallee
Tiruvallur District 600 056
4. The President
Kannapalayam Panchayat
Office of Panchayat Union
Poonamallee Panchayat Union
Tiruvallur District 600 056
5. The Public Works Department
PWD Estate
Chepauk
Triplicane
Chennai 600 005

Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the petitioner's representation dated 25.09.2024 and further directing the respondents to remove the road laid in the petitioner's patta land and to re-lay the road along the battai in Survey No.177 in consonance with the FMB sketch.

For petitioner Ms. P. Shanthini

For RR 1,2 & 5 Mr. T.K. Saravanan
Addl. Govt. Pleader

For RR 3 & 4 Mr. R. Kumaravel
Addl. Govt. Pleader

ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is land comprised in 'Survey Nos.186/6 and 186/7 in Kannapalayam Village, Poonamallee Taluk, Tiruvallur District' [hereinafter 'said lands' for the sake of convenience and clarity].

2. 'Survey No.177 in Kannapalayam Village, Poonamallee Taluk, Tiruvallur District' shall hereinafter be referred to as 'Government land'.



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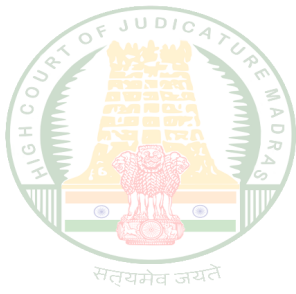
3. The complaint of the writ petitioner is that road has been laid in said lands, which, according to writ petitioner, belongs to him (private patta lands). Further limb of the prayer is to re-lay the road in Government land.

4. Issue notice to respondents.

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1, 2 and 5 and Mr. R. Kumaravel, learned Additional Government Pleader, accepts notice for respondents 3 and 4.

6. Mr. R. Kumaravel, learned State counsel for respondents 3 and 4 points out that writ petitioner came to this Court earlier with the same prayer *vide* W.P.No.4369 of 2020 and it was dismissed as withdrawn by a Single Bench *vide* order dated 24.02.2020.

7. This Court perused the order dated 24.02.2020 and the same reads as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4369 of 2020

R.Karthikeyan

... Petitioner

Vs.

1. The Collector
Tiruvallur Collectorate
Master Plan Complex
NH 205
Tiruvallur - 602 001.
2. The Revenue Divisional Officer
Tiruvallur
Master Plan Complex
NH 205
Tiruvallur - 602 001.
3. The Tahsildar
Tiruvallur Taluk Office
JN Road, NH 716
Tiruvallur
Chennai - 602 001.
4. The President
Kannapalayam Panchayat
The Office of Panchayat under
Poonamallee Panchayat Union
Tiruvallur District.
5. Village Administrative Officer
Kannapalayam
Melpakkam
Poonamallee Taluk
Tiruvallur District.

... Respondents



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W.P. No. 4369 of 2020

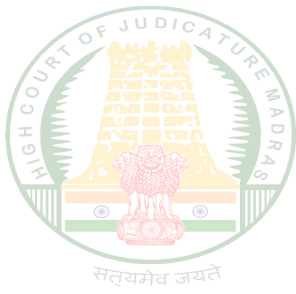
Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Residents to dispose of the representation dated 26.11.2018 and reminder dated 29.05.2019 to take appropriate steps to remove the Bitumen laid in the Patta land, and to relay the road along with Battai in Survey No. 177 in consonance with the FMB sketch or in alternative to pay, adequate compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the extent of the Patta land which has been encroached to an extent of about 36 feet on the North-South /Western side of the plot and about 24 feet on the North South /Eastern side.

For Petitioner : Mr. K. Kulandaivelu

For Respondents : Mr. G.K. Muthukumar (For R1 to R3)
Special Government Pleader
Mr. A. Aruldoss (For R4 & R5)
Government Advocate

ORDER

When it is pointed out that the Petitioner has not made any representation to the concerned authority for the relief sought, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to make necessary representation before the concerned authority and work out his right before the competent forum for necessary relief. He has also made an endorsement to that effect, which is recorded.



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2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

24.02.2020

Internet: Yes/No

Index : Yes/No

maya/dm

Note: Issue order copy by 28.02.2020.

To

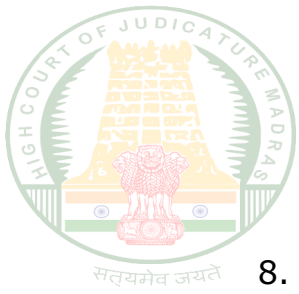
1. The Collector
Tiruvallur Collectorate
Master Plan Complex
NH 205
Tiruvallur - 602 001.

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Tiruvallur - 602 001.

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Kannapalayam Panchayat
The Office of Panchayat under
Poonamallee Panchayat Union
Tiruvallur District.

5. Village Administrative Officer
Kannapalayam
Melpakkam
Poonamallee Taluk
Tiruvallur District.



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8. After this 24.02.2020 order, writ petitioner has sent a representation dated 25.09.2024 to the first respondent (Inspector of Panchayats) with copies marked to respondents 2,3 and 4 (Tahsildar, Block Development Officer and President, Kannapalayam Panchayat, respectively) and therefore, we do not find earlier writ petition to be an impediment *qua* captioned WP.

9. Be that as it may, reverting to the issue at hand, we find that the scope of the captioned WP is very limited and therefore, we take up the captioned WP with the consent of learned counsel for writ petitioner and both learned State counsel.

10. This Court deems it appropriate to direct the second respondent (Tahsildar) to conduct a survey of said lands as well as Government land, after putting on notice writ petitioner, permit the writ petitioner to be present throughout the survey, draw up a survey report and furnish a copy of the survey report to the writ petitioner. This exercise shall be completed as expeditiously as the official business of second respondent permits but in any event, within 12 weeks from today, *i.e.*, on or before 13.11.2025.



11. In the survey report, if it comes to light that road has been laid in said lands, writ petitioner shall be paid compensation in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or the road shall be removed and re-laid in Government land. This will depend on what unfurls in the survey report and other attendant circumstances.

12. Captioned WP stands disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
21.08.2025

cad
Index : Yes/No
NC : Yes/No



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To

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2. The Tahsildar
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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

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