



W.P.No.34628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.34628 of 2024

and

W.M.P.No.37559 of 2024

Sasikala

...Petitioner

-Vs-

- 1.The District Collector,
O/o.District Collectorate,
Mayiladuthurai.
- 2.The Block Development Officer,
O/o.Block Development Office,
Mayiladuthurai.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Mayiladuthurai.
- 4.The Tahsildar,
O/o.Tahsildar,
Mayiladuthurai.
- 5.The Village Administrative Officer,
O/o.Village Administrative Office,
Mudikandanallur, Mayiladuthurai District,
- 6.The President,
O/o.Village Panchayat,
Mudikandanallur, Mayiladuthurai District.
- 7.M.Lakshmi

...Respondents



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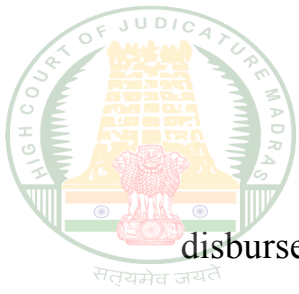
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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to cease all the laying of road on the petitioner's patta land comprised in old survey numbers 114, 115 & 116 and New survey numbers 114/2 & 115/2 from South to North in Mudikandanallur Village, Mayiladuthurai Taluk & District and not to disburse sanctioned funds. Consequently, direct the 7th respondent to remove the red clay and which has been dumped on the ground in patta land based on the representation sent by the petitioner dated 24.10.2024 and pass such further orders.

For Petitioner	:	Mr.U.Kathiravan
For R1, R3, R4 & R5	:	Mr.N.Naveen Kumar, Government Advocate
For R2 & R6	:	Mr.T.Arun Kumar, Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to cease all the laying of road on the petitioner's patta land comprised in old survey numbers 114, 115 & 116 and New survey numbers 114/2 & 115/2 from South to North in Mudikandanallur Village, Mayiladuthurai Taluk & District and not to



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disburse sanctioned funds. Consequently, direct the 7th respondent to remove the red clay, which has been dumped on the ground in patta land based on the representation sent by the petitioner dated 24.10.2024.

2. The case of the petitioner is that the petitioner is the lawful owner of the agricultural land comprised of the following survey no.114 measuring an extent of 0.77 cents, survey no.115 measuring an extent of 2.00 cents & survey no.116 measuring an extent of 2.84 cents, situated at Mudikandanallur village, Mayiladuthurai Taluk and District. There is an established road located to the south of the Rajan channel Mudikandanallur Revenue Village, Mayiladuthurai. The above said road runs from east to west and terminates at a point directly adjacent to the Petitioner's property, which lies to the west in the above-mentioned survey numbers. Beyond the end of this public road, there exists a private lane, patta path, which the Petitioner owns and maintains exclusively for the purpose of transporting his agricultural products. This private lane runs from north to south within the petitioner's patta land and is regularly used by my tractor and other agricultural equipment for my farming operations.

3. The grievance of the Petitioner is that the said lane is not a



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Government or village road; rather, it is a private road exclusively for the petitioner's agricultural use and is bounded by her property in the survey numbers stated above. The Authorities extended the road in a north-to-south direction onto her private Patta land without permission. Hence, the petitioner's mother, Smt.Banumathi, lodged a formal complaint with the District Collector on August 5, 2024, regarding this unauthorized construction. Thereafter, the petitioner sent a representation to 1st respondent, 2nd respondent and 4th respondent on 24.10.2024 regarding the issues. As of now, there has been no progress for the complaint given by the petitioner. Aggrieved over the same, the petitioner has come up with the present writ petition.

4. Learned counsel appearing for the petitioner would submit that the unauthorized laying of a road on her patta land without consent infringes upon her fundamental right to property under Article 300A of the Indian Constitution and further, the authorities failed to seek prior permission or provide compensation for using the petitioner's private land, constituting an illegal encroachment. The Village Panchayat and the contractor failed to provide prior notice or consult regarding the construction on her own



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property. This lack of due process violates the petitioner's legal rights, as mandatory notice and opportunity for objection were denied before altering the petitioner's property. That apart, construction of a road across private agricultural land also constitutes a misuse of public funds.

5. It is further submitted that the unauthorized construction has severely impacted the petitioner's agricultural activities by restricting access to the land and obstructing drainage systems essential for farming. This interference violates local national policies that prioritize agricultural zones and threatens agricultural productivity. The construction activities have altered the natural drainage pattern by disrupting established drainage tunnels that channel water into the Rajan drain. This obstruction has led to waterlogging, damaging crops and creating long term risks to soil health. Both the High Court and the Supreme Court have held that natural water channels must not be encroached upon or obstructed.

6. The actions of the Panchayat and the contractor violate environmental productions by altering the natural water flow and causing water stagnation on her agricultural land. The preservation of waterways and agricultural zones is essential under national environmental policies, which



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prohibit unauthorized changes to water channels or agricultural land use.

Despite complaints and representation submitted to the District Collector and local authorities, no action has been taken to address or halt the unauthorized construction.

7. A counter affidavit was filed on behalf of respondents 1, 3 to 6.

8. Learned Additional Government Pleader appearing for respondents 2 and 6 has submitted a status report of the Revenue Tahsildar, Mayiladuthurai District, vide Na.Ka.No.362/2025/A2 dated 18.02.2025, wherein it is stated that the road has been laid in the property of the petitioner to an extent of 504 sq mt or 12 ½ cents or 37 ½ kuzhi.

9. Learned Additional Government Pleader would further submit that private negotiation is going on between the petitioner and the 2nd respondent so far two hearings have been taken place and the issue has been going to be settled at the earliest.

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



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WEB COPY 11. In view of the above facts and circumstances of the case, the petitioner as well as the 2nd respondent are directed to negotiate and to arrive at an amicable settlement of the issue involved in the present writ petition within a period of three months from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2025

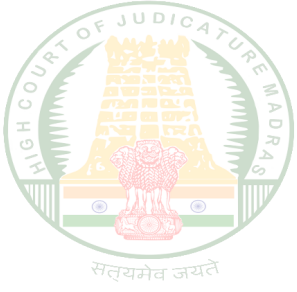
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Index : Yes/No

Speaking/Non Speaking order

To

- 1.The District Collector,
O/o.District Collectorate,
Mayiladuthurai.
- 2.The Block Development Officer,
O/o.Block Development Office,
Mayiladuthurai.



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- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Mayiladuthurai.
- 4.The Tahsildar,
O/o.Tahsildar,
Mayiladuthurai.
- 5.The Village Administrative Officer,
O/o.Village Administrative Office,
Mudikandanallur, Mayiladuthurai District,
- 6.The President,
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