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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.36314 of 2024
and
W.M.P.No.39195 of 2024

J.Elumalai

Vs.

.. Petitioner

- 1.The Collector,
Chengalpet District,
Office of the District Collectorate,
Chengalpet.
- 2.The Commissioner,
Kattankulathur Town Panchayath,
Office of the Kattankulathur Panchayath Union,
Chengalpet District.
- 3.The Block Development Officer,
Kattankulathur Panchayath Union,
Office of the Kattankulathur Panchayath Union,
Chengalpet District.
- 4.The President,
Nallambakkam Village Panchayath,
Nallambakkam,
Chengalpet District.



5.The Tahsildar,
Vandalur Taluk,
Chengalpet District.

6.The Inspector of Survey,
Vandalur Taluk,
Chengalpet District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd and 4th respondents not to lay road in the private property in Grama Natham Survey No.1A/1A4B2 at No.12, Nallampakkam Village, Vandalur Taluk, Chengalpet District, Patta No.635 by considering the petitioner's representation dated 23.11.2024.

For Petitioner	.. Mr.G.Arun
For R1, R5, R6	.. Mr.S.J.Mohamed Sathik Govt. Advocate
For R2 to R4	.. Mr.K.Tamilvendan, Govt. Advocate.

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a restraint against the 3rd and 4th respondents / the Block Development Officer, Kattankulathur Panchayat Union, Chengalpet and the President, Nallambakkam Village Panchayat, Chengalpet, not to lay road in the private property belonging to the petitioner in Grama Natham Survey



No.1A/1A4B2 at No.12, Nallampakkam Village, Vandalur Taluk, Chengalpet District. The petitioner had also been granted patta in Patta No.635 over the said land. The petitioner had given the representation on 23.11.2024. Apprehending that without examining the representation steps would be taken to lay the road, this Writ Petition has been filed.

2.This Court had issued a direction that the respondents could put a road only in S.No.1A/2 which is classified as Vandipaathai for more than 100 years and should not encroach into the lands of the petitioner in S.No.1A/1A4B2. A report was sought to be filed by the 5th respondent, Tasildhar, Vandalur Taluk.

3.In the report filed by the 5th respondent, the sub-division of entire S.No.1A had been given and it had been stated that survey number which had been sub-divided into 1A/1A4B2 measuring 0.04.45 hectares in patta No.635 stands in the name of the petitioner, Elumalai. It had also been stated that the land in S.No.1A/2 measuring 0.05.00 hectares is classified as Arasu Poramboke and as Vandipadhai. It is very specifically stated that the land classified as Vandipadhai alone is now being used by the respondents



to put up a pucca road and that the lands in S.No.1A/1A4B2 measuring 0.04.45 hectares in patta No.635 stands in the name of the petitioner will not be utilized for any purpose by the 3rd, 4th and 5th respondents. In the status report, it had been very specifically stated as follows:

“6.I respectfully submit that, for survey No.1A/1A4B2, the area recorded in the 'A' Register is 0.04.45 Ares (11 cents) as per the registration documents and FMB. However, the actual area under the petitioner's enjoyment is 0.04.13 Ares (10.2 cents). The petitioner claims that the missing area is part of Survey No.1A/2 (Vandi Padhai – Road).

7.I respectfully submit that, as per UDR and FMB records, Survey No.1A/1A4 is recorded with an area of 0.09.00 Ares. However, the actual calculated area is 0.08.60 Ares, with the difference attributed to historical rounding practices that existed during earlier land measurement and ownership development programs.

8.I respectfully submit that discrepancies were identified on the west side of Survey No.1A/1A4, where UDR records indicate a boundary measurement of only 406 meters, resulting in a shortage in the survey number. These discrepancies can be resolved by fixing the north-west side boundary and the south-west boundary. The road-laying process in Survey No.1A/2 does not require any adjustments to these boundaries, ensuring no further disturbance to the petitioner's land.”



WEB COPY 4. Recording the aforementioned statement of the Tasildhar, Vandalur

Taluk, this Writ Petition stands disposed of, placing an obligation on the 3rd, 4th and 5th respondents to restrict the laying of the road in Vandipaadhahai in S.No.1A/2 and not to encroach into the lands in S.No.1A/1A4B2 which belongs to the writ petitioner. No order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

21.01.2025

Index: Yes/No
Internet: Yes/No
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To

1. The Collector,
Chengalpet District,
Office of the District Collector,
Chengalpet.
2. The Commissioner,
Kattankulathur Town Panchayath,
Office of the Kattankulathur Panchayath Union,
Chengalpet District.
3. The Block Development Officer,
Kattankulathur Panchayath Union,
Office of the Kattankulathur Panchayath Union,
Chengalpet District.



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C.V.KARTHIKEYAN,J.

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- 4.The President,
Nallambakkam Village Panchayath,
Nallambakkam, Chengalpet District.
- 5.The Tahsildar,
Vandalur Taluk, Chengalpet District.
- 6.The Inspector of Survey,
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