



W.P.No.39603 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.39603 of 2024

and

W.M.P.No.42880 of 2024

K.Rajendran

...Petitioner

-Vs-

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Revenue Divisional Officer,
Viruthachalam,
Cuddalore District.
- 3.The Assistant Engineer,
Highways Department,
Thittakudi,
Thittakudi Taluk,
Cuddalore District.
- 4.The Block Development Officer (Scheme),
Mangalamedu,
Thittakudi Taluk,
Cuddalore District.
- 5.The Tahsildar,
Thittakudi Taluk,
Cuddalore District.



W.P.No.39603 of 2024

6.Sakthivel,
The Panchayat President,
Korakavadi Village Panchayat,
Thittakudi Taluk,
Cuddalore District.

...Respondents

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 respondents 1 to 5 to inspect the road porambokku land in survey No.482 situated at southern side of road from Attur to Thozhuthur in Korakkavadi Village, Thittakudi Taluk, Cuddalore District and further to take appropriate steps for restraining the 6th respondent and local residence to construct any party office, flag post or any other buildings in front of the petitioner's land in survey No.481/1B, 481/1A2 and 481/1C by blocking access to his land by considering the representation of the petitioner dated 06.11.2024 and pass such further orders.

For Petitioner : Mr.V.Sivalingam
for M/s.C.S.Associates

For R1 to R5 : Mr.M.Rajendiran
Additional Government Pleader

ORDER

This writ petition has been filed to direct respondents 1 to 5 to inspect the road porambokku land in survey No.482 situated on the southern side of the road from Attur to Thozhuthur in Korakkavadi Village, Thittakudi



W.P.No.39603 of 2024

Taluk, Cuddalore District, and further to take appropriate steps for restraining the 6th respondent and local residents from constructing any party office, flag post, or any other buildings in front of the petitioner's land in survey No.481/1B, 481/1A2 and 481/1C by blocking access to his land by considering the representation of the petitioner dated 06.11.2024.

2. The case of the Petitioner is that he is an agriculturist, having a small portion of land in Survey Nos.481/18 and 481/1A2 to an extent of 30 cents in Korakavadi Village, Thitakudi Taluk, Cuddalore District, where the Petitioner and his three brothers have equal shares.

3. The said land situated in Korakavadi Village at southern side of Road towards from Tholuthur to Attur, in which the Ex Panchayat President tried to put up construction of bus stop in front of Petitioner's Patta land blocking his access land. Therefore, the Petitioner filed a civil suit in O.S.No.4 of 2021 on the file of the Additional District Munsif Court, Thittakudi, on the ground that he has the right of free access and the right of egress and ingress; still the suit is pending.



W.P.No.39603 of 2024

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4. The Petitioner lodged a complaint before the local Police station when a group of persons tried to put up a construction of a party office and erected a flag post in the Road porambokku land in front of the Petitioner's Patta land, blocking access to his land. Considering the same the Police officials removed the construction and flag post on 31.10.2024.

5. When the construction was made again by blocking the Petitioner's access, the Petitioner made a representation dated 06.11.2024 to the respondents requesting to take appropriate action against the residents restraining the people from putting up a construction party office or any other building. Due to inaction on behalf of the Respondents, the Petitioner has preferred the present Writ Petition.

6. Learned counsel appearing for the Petitioner would submit that if the 6th respondent or local residents trespass on the remaining road porambokku land and erect a tent or building in front of his land, thereby blocking the path leading to Patta land, the Petitioner will suffer irreparable loss and damage and the issue will be complicated and reduced. Therefore, it



W.P.No.39603 of 2024

is necessary for Respondents 1 to 5 to take appropriate action to restrain any further construction.

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

8. Since the petitioner has also filed a suit in O.S.No4 of 2021 on the file of Additional District Munsif Court, Thittakudi, and the same was pending before the Civil Court, he has approached this Court by way of filing this writ petition.

9. The prayer in the suit as well as in the writ petition is one at the same, and he cannot conduct two parallel proceedings simultaneously.

In view of the above facts and circumstances of the case, **this writ petition stands dismissed.** No costs. Consequently, connected miscellaneous petition is closed.

13.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order



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W.P.No.39603 of 2024

J.SATHYA NARAYANA PRASAD, J.

cda

To

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W.P.No.39603 of 2024



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W.P.No.39603 of 2024

13.02.2025