



W.P.(MD) No.2864 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.2864 of 2023

Dr.A.Daniel Rajan

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Special District Revenue Officer,
Land Acquisition,
National Highways,
No.785, 785-E and 85 (New),
Madurai-625 002.
- 3.The Deputy General Manager/Project Director
Madurai.
Natham Four Laning and Widening of NH 785 Road,
Plot No.3, Surya Towers,
2nd Floor, K.K.Nagar, 1st East Street,
Madurai.
- 4.The Commissioner,
Madurai Municipal Corporation,
Madurai.
- 5.The District Revenue Officer,
Collectorate Complex,
Madurai.



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6.The Revenue Divisional Officer,
Madurai North Taluk,
Madurai.

7.The Tahsildar,
Madurai North Taluk,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to increase the service road from 11 ft. to 20 ft. as agreed by the respondents in front of the petitioner's commercial property comprised in Old T.S.No.926/1, 943/2 and 944, New T.S.No.4502, having Door No.4A, Gokhale Road, Chinna Chokkikulam, Thallakulam, Madurai, on the basis of his representation dated 09.01.2023.

For Petitioner : Mr.B.Arun

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R1, R2, R5 to R7

Mr.P.Karthick
Standing Counsel for R3

Mr.K.K.Kannan
Standing Counsel for R4

ORDER

The petitioner has filed the present writ petition seeking issuance of a Writ of Mandamus to increase the service road from 11 ft. to 20 ft. in front of his commercial property comprised in old T.S.Nos.926/1, 943/2 and 944, New



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WEB C T.S.No.4502, bearing Door No.4A, Gokhale Road, Chinna Chokkikulam, Thallakulam, Madurai.

2.According to the petitioner, he has put up a commercial building on the alleged assurances given by the respondents that the service road would be increased from 11 ft. to 20 ft. The petitioner has obtained an approval on 28.03.2005. According to the petitioner, the construction has been put up in accordance with the said sanction plan. The petitioner has thereafter sent a representation on 09.01.2023 seeking increase of the service road from 11 ft. to 20 ft. in front of the petitioner's commercial property.

3.Heard the learned counsel on either side.

4.The learned Standing Counsel appearing for the fourth respondent Municipality has filed a counter, stating that the subject road is coming under the control of the National Highways Authority of India, the third respondent herein and the fourth respondent has no role to play.



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5.The learned Additional Government Pleader appearing for the official respondents 1, 2 and 5 to 7 would submit that there is no proposal for increasing the service road and the claim of the petitioner that the respondents agreed to increase the service road in front of the petitioner's commercial property is factually incorrect.

6.The petitioner as a matter of right, cannot seek for the service road to be increased from 11 ft. to 20 ft. The process of such increase would involve necessarily acquisition of adjoining lands and probably even the lands of the petitioner. It is a call which the authorities have to take considering the multitude of factors and the respondents cannot be compelled to increase the service road at the whims and fancies of the petitioner, who owns a commercial property in the locality. The writ of mandamus as sought for cannot be issued. Consequently, the Writ Petition stands dismissed. No costs.

05.02.2025

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

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P.B.BALAJI, J.

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