

W.P.(MD)No.6681 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6681 of 2025

and

W.M.P.(MD)No.4939 of 2025

Arumugam

... Petitioner

-VS-

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Thirumangalam, Madurai District,
Madurai.

3.The Block Development Officer,
Thirumangalam, Madurai District,
Madurai.

4.The Tahsildar,
Thirumangalam Taluk, Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents not to lay Thar Road in the petitioner's Patta land in Survey No.147/2B, Viduthankulam, Thirumangalam Taluk, Madurai District, by considering the petitioner's representation dated 03.03.2025.



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For Petitioner : Mr.M.Palanivel
For R1, R2 and R4 : Mr.C.Venkateshkumar
Special Government Pleader
For R3 : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents not to lay Thar Road in the petitioner's Patta land in Survey No.147/2B, Viduthankulam, Thirumangalam Taluk, Madurai District, by considering the petitioner's representation dated 03.03.2025.

2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1, 2 and 4 submits that for the same cause of action, the petitioner has already approached this Court by filing W.P.(MD) No.27712 of 2024. This Court, by order dated 20.11.2024, disposed of the said writ petition and observed as follows:-

"4. The contention of the petitioner is that the respondents are taking steps to lay thar road in his patta land in Surevy No.147/4B



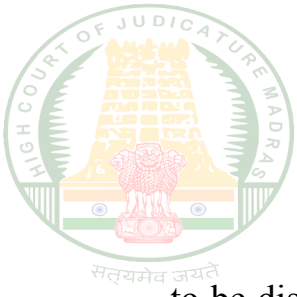
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comprising an area of 95 cents in Viduthankulam Village, Thirumangalam Taluk, Madurai District. In this regard, already a civil suit in O.S.No.124 of 2023 is pending before the District Munsif Court, Thirumangalam. The petitioner made a representation on 05.11.2024 in this regard to the respondents, not to lay any road in his land. However, the petitioner anticipates that they may lay road at any point of time. Hence, this writ petition came to be filed.

5. When the matter came up for hearing, the learned Counsel appearing for the second respondent would submit that no road will be laid in the patta land of the petitioner without following the due process of law and without acquiring the land if necessary, in accordance with law.

6. In view of the same, this Writ Petition is disposed of with liberty to the petitioner to re-open the same, if any road is laid till the disposal of the civil suit. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

3. In view of the above, the issue has already been settled by this Court in W.P.(MD)No.27712 of 2024, by order dated 20.11.2024. However, once again, for the same cause of action, the petitioner has approached this Court by filing the present writ petition. Therefore, the writ petition is not maintainable and is liable



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to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected

Miscellaneous Petition is closed.

NCC : Yes / No

Index : Yes / No

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13.03.2025

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VIVEK KUMAR SINGH, J.

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