



W.P.(MD) No.9878 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.9878 of 2024

Palraj

... Petitioner

VS.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Special Deputy Collector,
District Collectorate Office, (I-Sec),
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.
- 4.The Thasildar,
Virudhunagar Taluk,
Virudhunagar District.
- 5.The Block Development Officer,
Village Panchayat,
Virudhunagar District,
Virudhunagar.
- 6.The Assistant Engineer,
Panchayat Union,
Virudhunagar District,
Virudhunagar.



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7.The Panchayat President,
Ondipuli Nayakkanur Village Panchayat,
Ondipuli Nayakkanur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 6 to take necessary steps to remove the road, running on the petitioner's property in S.No.610/19 A & B situated in Ondipuli Nayakkanur Village, Virudhunagar District, within time limit as prescribed by this Court.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R4

No Appearance for R5 to R7

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to take steps to remove the road running on the petitioner's property in S.Nos.610/19 A & B situated in Ondipuli Nayakkanur Village, Virudhunagar District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.



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3.The grievance of the petitioner is that the petitioner's patta lands have been converted as a road and therefore, the writ petitioner has knocked at the doors of the respondents seeking removal of the road. The petitioner has also addressed a communication on 17.04.2023 to the fifth respondent regarding the said request. Any positive direction as sought for by the petitioner cannot be granted in the writ petition. However, it is the duty of the official respondents to enquire into the matter and consider the fact that the petitioner has already been issued patta in respect of S.Nos.610/19 A & B and in such view of the matter, the said property cannot be converted as a road for public purposes, without any acquisition proceedings being initiated.

4.It would therefore, suffice to direct the fourth respondent to conduct an enquiry, after affording an opportunity to the petitioner to produce all relevant documents and thereafter, the fourth respondent shall pass orders regarding the petitioner's request for removing the road running through the petitioner's S.Nos. 610/19 A & B in Ondipuli Nayakkanur Village, Virudhunagar District. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.



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WEB COPY 5. With the above directions, this Writ Petition is disposed of. No costs.

07.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Special Deputy Collector,
District Collector Office, (I-Sec),
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.
4. The Thasildar,
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P.B.BALAJI, J.

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