



W.P.(MD) No.15357 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.15357 of 2025

S.Mohamed Rahamadhullah ... Petitioner

Vs

1 The District Collector,
O/o. the District Collector,
Madurai District.

2 The Commissioner,
Melur Municipality,
Madurai District.

3 The Revenue Divisional Officer,
Melur,
Narasingampatti,
Melur Taluk,
Madurai District.

4 The Tahsildar,
O/o. the Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of mandamus, forbearing the respondents from



W.P.(MD) No.15357 of 2025

WEB COPY

earmarking the public pathway/Poosthipathai in the land belonging to the petitioner to an extent of 35 cents comprised in S.No.308/5 and in the land to an extent of 3 cents comprised in S.No.308/8, Melur Taluk, Madurai District, without acquiring the same in accordance with the provisions under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mrs.H.Jasima Yasmin
for Mr.N.Mohamed Shajahan.

For Respondents 1,3 & 4 : Mr.M.Gangatharan,
Govt. Advocate.

ORDER

The Writ Petition is filed, seeking issuance of a writ of mandamus, forbearing the respondents from earmarking the public pathway in the land belonging to the petitioner to an extent of 35 cents comprised in S.No.308/5 and in the land to an extent of 3 cents comprised in S.No.308/8, Melur Taluk, Madurai District, without acquiring the same in the manner known to law.

2. Heard Mrs.H.Jasima Yasmin for the petitioner and Mr.M.Gangatharan, learned Government Advocate, for the respondents 1, 3 and 4. Since no adverse orders are passed against the second respondent, notice to him is dispensed with. With the consent of both the counsel, the Writ Petition is taken up for final disposal at the stage of admission.



W.P.(MD) No.15357 of 2025

WEB COPY

3. According to the petitioner, his grandfather purchased 35 cents of land in old Survey No.308/5 and 3 cents of land in old Survey No.308/8, in Melur Village and Taluk, Madurai District, from one Umar Rowther under a registered sale deed, dated 28.07.1968. The fourth respondent herein claimed the pathway situated in a portion of the land in old Survey No.308/5. Therefore, the petitioner submitted a representation, asserting his right and the same was not considered. Hence, a writ petition was filed by the petitioner in W.P.(MD) No.27057 of 2024, seeking a direction to consider his representation and the same was disposed of, with a direction to the respondents therein to consider the representation of the petitioner and pass orders within a period of three weeks. Since the respondents failed to consider the representation of the petitioner, a contempt petition was moved in Contempt Pet.(MD) No.1011 of 2025. When the contempt was taken up for hearing, the respondents informed the court that the representation of the petitioner was considered and his request for issuance of patta in Town Survey No.42, equivalent to old Survey No.308/1A1 Part and 308/4B Part, was rejected, on the ground that the said survey number was classified as pathway as per Town Survey Register.

4. It is the specific case of the petitioner that the property, situated in Town Survey Nos.43 to 48, was purchased by his grandfather.



W.P.(MD) No.15357 of 2025

WEB COPY

Town Survey extract for the said survey numbers is also produced in the typed set of papers. It is not the case of the petitioner that the property covered by Town Survey No.42, which is classified as pathway, had been purchased by his grandfather. Therefore, the petitioner may not have any objection, if the respondents lay pathway in Town Survey No.42. However, it is asserted by the petitioner that under the guise of laying pathway in Town Survey No.42, the respondents are attempting to lay road in a portion of the property situated in Town Survey Nos.43 to 48. Hence, the petitioner has come before this Court.

5. When the writ petition is taken up for hearing, learned Government Advocate, appearing for the respondents, by taking this Court to the written instructions produced by the respondents in the contempt petition, dated 01.04.2025, submitted that the respondents want to lay a road in the existing pathway situated in Town Survey No.42, equivalent to old Survey No. 308/1A1 Part and 308/4B Part.

6. The statement made by the learned Government Advocate, based on the written instructions of the fourth respondent, dated 01.04.2025, in Na.Ka.No.3570/2023/Aa1, dated 01.04.2025, is recorded.



W.P.(MD) No.15357 of 2025

WEB COPY

7. It is not the case of the petitioner that he has got any patta in Town Survey No.42. Therefore, the respondents are entitled to lay road in the said survey number.

8. At the time of laying road, if there is any difficulty or dispute with regard to location of Town Survey No.42, the respondents shall issue notice to the petitioner and other interested parties and earmark four boundaries of the Town Survey No.42 and see that new road is laid only in Town Survey No.42. In case the respondents want to lay road in any portion of the land in Town Survey Nos.43 to 48, it is for them to follow the procedure established by law.

9. With the above clarification, this Writ Petition stands disposed of. No costs. Consequently, the connected W.M.P.(MD) No.11605 of 2025 is closed.

09.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

dixit



W.P.(MD) No.15357 of 2025

WEB COPY

To:

- 1 The District Collector,
O/o. the District Collector,
Madurai District.
- 2 The Commissioner,
Melur Municipality,
Madurai District.
- 3 The Revenue Divisional Officer,
Melur,
Narasingampatti,
Melur Taluk,
Madurai District.
- 4 The Tahsildar,
O/o. the Tahsildar,
Melur Taluk,
Madurai District.



WEB COPY



W.P.(MD) No.15357 of 2025

S.SOUNTHAR, J.

dixit

W.P.(MD) No.15357 of 2025

09.06.2025