



W.P(MD)No.17852 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17852 of 2025

Palraj

... Petitioner

Vs

1. The Commissioner of Land Administration,
Chepauk,
Chennai.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Special Deputy Collector,,
District Collectorate Office (I-Sec),
Virudhunagar District,
Virudhunagar.
4. The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.
5. The Tahsildar,
Virudhunagar District,
Virudhunagar.
6. The Block Development Officer,
Village Panchayat,
Virudhunagar District,
Virudhunagar.

... Respondents



W.P(MD)No.17852 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 23.05.2025 in proceedings in Mo.Mu.Aa1/1035/2025 of the fifth respondent and quash the same as illegal and consequently, direct the respondents to take necessary steps to remove the road, running on the petitioner's property in S.No.610/19 A and B, situated in Ondipuli Nayakkanur Village, Virudhunagar Taluk, Virudhunagar District, in accordance with law, within time limit as prescribed by this Court.

For Petitioner : Mr.V.G.Vallarasu Chezhiyan
For R-1 to R-5 : Mr.K.S.Selva Ganesan
Additional Government Pleader
For R-6 : Mr.R.Ragavendran

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 23.05.2025 and consequently, direct the respondents to take necessary steps to remove the road, running on the petitioner's property in S.No.610/19 A and B, situated in Ondipuli Nayakkanur Village, Virudhunagar Taluk, Virudhunagar District.

2. The contention of the petitioner is that this is the second round of litigation. Earlier, the petitioner had filed another writ petition in W.P.(MD)No. 9878 of 2024 and this Court, vide order, dated 07.03.2025, issued a direction to



the respondents to afford an opportunity to the petitioner and to consider for removing the road. The relevant portion of the said order is extracted hereunder:

“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.”

3. The learned Counsels appearing for the respondents submitted that the road was laid 30 years ago and knowing the same, the petitioner has purchased the property. The said contention of the respondents cannot be entertained since, admittedly, the land is the petitioner's patta land. If any road is laid even 30 years



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ago, then the respondents ought to have approached the petitioner or his vendor, acquired the land, and thereafter, ought to have laid the road.

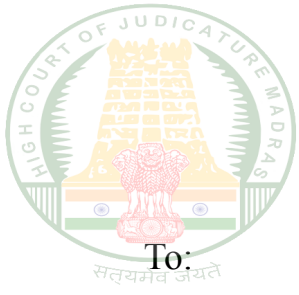
4. This Court is of the considered opinion that, at this stage, the road cannot be removed, however, the petitioner is entitled to compensation. Accordingly, the official respondents are directed to survey the road and thereafter, fix the appropriate compensation by invoking the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and pay the compensation. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

5. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs.

28.07.2025

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

jbr



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To:

WEB COPY

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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.17852 of 2025

DATED : 28.07.2025