



W.P.(MD) No. 18973 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 18973 of 2025
and
W.M.P.(MD) No.14534 of 2025**

1. Arumugam
2. Boominathan
3. Kalyani
4. Pothumponnu
5. Mariammal
6. Kathirvel
7. Mattavayan.

... Petitioners

Vs

1. The District Collector,
Office of the District Collector,
Madurai District.
2. The Tahsildar,
Office of the Tahsildar,
Melur Taluk,
Madurai District.



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3. The Block Development Officer,
Office of the Block Development Officer,
Melur Panchayat Union,
Melur,
Madurai District.

4. The Secretary,
Therku Theru Village Panchayat,
Melur Taluk,
Madurai District.

5. Senthilkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondents Nos.3 and 4 from laying road to the land of fifth respondent in Survey No.143/3A1B through survey No.143/3A2 at Therku Theru Village, Melur Taluk in Madurai District.

For petitioners : Mr. S. Malaikani

For respondents : Mr.D.Ghandiraj
Special Government Pleader for R1 & R2
Mr.C.Satheesh
Government Advocate for R3 & R4
Mr.A.Prasanna Rajadurai for R5

ORDER

This Writ Petition is disposed of at the time of admission with the consent



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of the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2, learned Government Advocate for the respondents 3 and 4 and learned counsel for the fifth respondent.

2. The petitioners have purchased the lands in Survey No.143/3A2, which had been plotted by their vendor and sold to these petitioners. There is a 23 feet road in between these plots, which has been provided for access. The said road also abuts the fifth respondent's land in Survey No.143/3A1B.

3. The prayer of the Writ petition is to forbear the official respondents 3 and 4, namely, the Block Development Officer and the Secretary of the Therku theru Village Panchayat, Melur Taluk, Madurai from laying road on the land of the fifth respondent in Survey No.143/3A1B, through the land in Survey No.143/3A2 at Therkutheru Village, Melur Taluk, Maduari District.

4. A reading of the recitals of the respective sale deeds of the petitioners, which have been filed along with typed set of papers, indicate that in the



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description of the property, they have clearly admitted the 23 feet road as common road.

5. As far as the third petitioner is concerned, she has shown the 23 feet common road as eastern boundary of her land. Further, it has been admitted in the recitals of the respective sale deeds of the respective petitioners depending upon the location of the property in the layout. Hence, they cannot object to laying of the road, merely because the fifth respondent may have an access from other parts of the land in Survey No.143/3A2. Even if a part of the road was not conveyed as there has been no approval from the local authority, the petitioners cannot object to laying of the road, since the previous owner of the land had created the road for the petitioners as also for the fifth respondent.

6. In case the petitioners want to put up any construction, they may seek approval from the Authority under the provisions of the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017.



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7. With the above liberty, this Writ Petition is dismissed. W.M.P.(MD) No.

14534 of 2025 is allowed. No costs.

Index : Yes / No
Internet : Yes / No
apd

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To

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Melur Taluk,
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3. The Block Development Officer,
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Melur Panchayat Union,
Melur,
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4. The Secretary,
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C.SARAVANAN, J.

apd

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