



W.P.(MD)No.24711 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.24711 of 2023

Joseph Pushpadoss

.... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

3.The Surveyor,
Vilathikulam,
Thoothukudi District.

4.The President,
Vembar Panchayat Board,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the cement road laid by the fourth respondent Panchayat after making proper survey and demarcate in the petitioner's property comprised in Survey



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No.235/2A1A to an extent of 47 cents situated at Vembar, Vilathikulam Taluk, Thoothukudi District by considering the petitioner's representation dated 08.09.2023 within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rajaram
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Considering the limited scope of the prayer sought for in this writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal.

2. I have heard the learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to remove the cement road laid by the fourth respondent Panchayat after conducting a survey and demarcating the petitioner's property comprised in survey No.235/2A1A measuring 47 cents situated at Vembar, Vilathikulam Taluk, Tuticorin District.



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4. Pending writ petition, based on the petitioner's representation, dated 08.09.2023 survey has been conducted on 27.01.2025 by the second and third respondents and in terms of the survey, on instructions, Mr.B.Saravanan, learned Additional Government Pleader would submit that the authorities will take action to remove the cement road laid by the fourth respondent's panchayat. However, the learned Additional Government Pleader would make a request that since the property is being used as a road by the local public, an attempt may be made by the officials to negotiate with the writ petitioner to retain the subject lands as cement road. However, it is made clear that such negotiation will not come in the way of the respondents proceeding to act on the survey already conducted. However, a breathing time of four weeks is granted to enable the officials to negotiate with the petitioner. If the negotiation fails, then the fourth respondent, the President of the Panchayat Board now represented by Special Officer shall take immediate steps to remove the cement road, within a period of twelve weeks thereafter.



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5. With the above direction, the writ petition is disposed of.

No costs.

Index : Yes / No
NCC : Yes / No
am

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To

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P.B. BALAJI, J.

am

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