



W.P.(MD)No.30766 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.30766 of 2023

Chinnathambi

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The District Revenue Officer,
Virudhunagar Taluk,
virudhunagar.

3.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

4.The President,
Sivagnanpuram Panchayat Union,
Virudhunagar Taluk,
Virudhunagar.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to



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restore the petitioner's land in S.No.92/1C & 92/1D, Sivaganapuram Village, Virudhunagar Taluk, Virudhunagar District to an extent of 11 Ares to its original position as it was before the formation of the road or in the alternative to transfer and handover the land which was earmarked for road in S.No.92/2, in which no road has been laid by suitably making alterations in the revenue records by granting patta in respect of the said land to the petitioner.

For Petitioner : Mr.R.Rajamohan

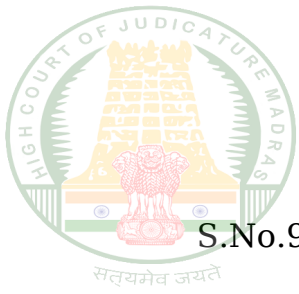
For Respondents : Mr.C.Satheesh

Government Advocate

ORDER

The petitioner seeks issuance of a Writ of Mandamus seeking a direction to the respondents to restore the petitioner's land in S.No.92/1C and 92/1D at Sivaganapuram Village, Virudhunagar District by restoring the original position before the formation of the road or alternatively seeking transfer or handing over of possession of lands in S.No.92/2 which alone has been earmarked for the road.

2.The grievance of the petitioner is that under the guise of laying road in S.No.92/2, the road has been laid in the petitioner's patta land in S.No.92/1C and 92/1D. The petitioner has made representations to the authorities seeking the road to be laid in



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S.No.92/2 and petitioner's property being restored. The petitioner has applied for survey to be conducted on 18.04.2022, to rectify the error and has also given representation in this regard on 20.06.2023. The grievance of the petitioner is that no action has been taken to redress his genuine grievance.

3.Considering the limited scope of the prayer sought for by the petitioner, though this Court cannot grant any positive direction to the respondents, it would suffice if a direction is given to the second respondent to consider the petitioner's representation dated 20.06.2023, after giving an opportunity to the petitioner, by way of personal hearing to produce relevant documents in support of his claim for right over the lands in S.Nos.92/1C and 92/1D and also carry out inspection to find out whether the grievance of the petitioner regarding wrong formation of the road is meritorious and thereafter, the second respondent shall pass final orders on the petitioner's application for survey dated 18.04.2022. The petitioner has also alternatively sought for transfer of the original earmarked portion in S.No.92/2 for road purposes to him.

4.In the event of the second respondent arriving at a conclusion that the request of the petitioner for restoring the original position cannot be acceded to because of passage of time, then the



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second respondent shall forward a report to the first respondent who shall take a decision with regard to allotment of subject lands in S.No.92/2, to the petitioner in lieu of the lands in S.Nos.92/1C and 92/1D. The second respondent shall complete the said exercise within a period of eight [8] weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

06.03.2025

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



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P.B.BALAJI, J.

MR

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