



W.P.(MD)No.34823 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.34823 of 2025

and

WMP (MD) No.27521 of 2025

1.A.Varadharaj

2. C.Pitchamani

... Petitioner(s)

Vs.

1. The District Collector,
Madurai District.

2. The Revenue Divisional Officer,
Thirumangalam Taluk,
Madurai District.

3. The Tahsildar,
Thirumangalam Taluk,
Madurai District.

4. The Block Development Officer,
Usilampatti Block,
Madurai District.

5. The Executive Engineer,
Rural Development and Panchayat Raj
Department,
Madurai District.

6. The Project Director / Additional Collector,
District Rural Development Agency,



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Madurai District.

7. Head Surveyor,
Usilampatti Taluk,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents from laying or forming any road in the petitioners Perumal Kovil land comprised in S. No.40/1 situated at Thimmanatham Village, Usilampatti Taluk, Madurai District and consequently restore the road in S. No.40/1 in its original position in light of the civil court decree passed in OS No. 47/2007 and OS No.140/2018 on the file of the District Munsif cum Judicial Magistrate No.I, Usilampatti.

For Petitioners :Mr. K.Kharikharadas

For Respondents :Mr.D.S.Nedunchezian
Government Advocate for R1 to R3, R6, R7
Mr.S.Kameswaran
Government Advocate for R4 & R5

ORDER

The petitioner seeks a direction to forbear the respondents from laying or forming any road in the petitioners Perumal Kovil land comprised in S. No.40/1 situated at Thimmanatham Village, Usilampatti Taluk, Madurai District and consequently restore the road in S. No.40/1 in its original position in light of the civil court decree passed in OS No. 47/2007 and OS No.140/2018 on the file of the District Munsif cum



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Judicial Magistrate No.I, Usilampatti.

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2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. The Deputy Block Development Officer, Usilampatti Block, is also present before the Court.

3. The background of the case is that the petitioner had consented to giving away a portion of their land for the purpose of laying a 16-feet road, which serves as a way from the village to the temple. According to the petitioner, the road was originally laid in the year 2007. The main grievance of the petitioner is that the road is now being extended and their land is being dug to obtain soil for the purpose of extending the road from 13 feet to 16 feet. Learned counsel for the petitioner has also produced photographs in support of the affidavit filed in this writ petition.

4. In response, the learned Government Advocate, who accepts notice for the official respondents, based on the written instructions of the Deputy Block Development Officer, submitted that the road is not being extended and as such the question of taking soil from the



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petitioner's land does not arise. He further submits that the land adjoining the road is being dug and that no additional land is required for the purpose of the road extension. If any land is required in the future, the same shall be done only after following due procedure of law. In the event soil is to be taken from the petitioner's land, it shall be done with the consent of the petitioner and after paying due compensation.

5. Since the Deputy Block Development Officer has given written instructions that no excess land or soil will be taken from the petitioner's land, recording the same, this writ petition stands closed. No costs. Consequently, the connected miscellaneous petition is also closed.

(K.SURENDER, J)
01.12.2025
2/2

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



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