



WEB COPY

W.P. No. 10571 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P. No. 10571 of 2024
and W.M.P.No.11601 of 2024

1. Gurusamy,
S/o.Govindaraj, 1, Arasu Ellayur Post,
Kudavasal Taluk, Thiruvarur District,
Tamil Nadu -613 705.
2. Veeraraian Muthuvel,
S/o.Muthuvel, 132, Pillaiyar Kovil Street,
Mullangudi Kudavasal Taluk, Manjakkudi,
Moolangudi, Thiruvarur, Kodavasal,
Tamil Nadu -612610.

..Petitioner(s)

Vs

1. The District Rural Development Agency
Government Of Tamil Nadu, Represented By Its
Principal Secretary, Fort St.George,
Chennai -600 009.
2. The District Collector,
Thiruvarur District, First Floor, Collectorate,
Thiruvarur -610004.
3. District Revenue Officer,
Thiruvarur District, Collector Office Master Plan
Complex, Tamil Nadu -610004.



4. The Tahsildar,
Kudavasal Taluk, Kudavasal Taluka Office,
Tamil Nadu -612601.
5. Revenue Inspector,
Kudavasal Taluk, Tamil Nadu -612601.
6. Village Administrative Officer,
Arasur Village, Tamil Nadu -610001.
7. Prabakaran,
S/o. Balasubramanian, Pandaravadai,
Moolangudi Post, Kudavasal Taluka,
Thiruvarur District -612610.

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 4 to 6 to remove the encroachment made in the S.No 77/9 and S.No. 39/6B n Kudavasal Vattam, Arasur Village, Thiruvarur District and to restore the land to its agricultural use and for consequential orders.

For Petitioner(s): Mr. A.G.Vedavikas

For Respondent(s): Mr.T.Arun Kumar
Additional Government Pleader for R1 to R6

**ORDER****(Order of the Court was made by S.M.SUBRAMANIAM, J.)**

WEB COPY

The Writ of Mandamus has been instituted to direct the Respondents 4 to 6 to remove the encroachment made in S.No.77/9 and S.No.39/6B in Kudavasal Vattam, Arasur Village, Thiruvarur District and to restore the land to its original agricultural use.

2. The learned counsel for the petitioners submitted that the subject property is patta land and that, without initiating any land acquisition proceedings, the respondents have forcibly encroached upon the said patta property and laid a mud road. Hence, the encroachment is liable to be removed.

3. The learned Additional Government Pleader opposed the contentions by contending that the 2nd petitioner is a subsequent purchaser of the entire extent of land in R.S.No.39/6B, having purchased the same vide registered Sale Deed bearing Document No.1009 of 2010 from one Jayakumar, subsequent to the formation of the mud road by the villagers prior to 17.06.2009. The existence of the mud road in R.S.No.39/6B has not been mentioned in the registered sale deed. Admittedly, no land acquisition proceedings were initiated, as the pre-existing mud road has been laid long



ago with the consent of the patta holders/erstwhile owners. Subsequently, the said road was converted into a gravel road in the year 2015 and further upgraded into a WBM / BC road, without any change in alignment or expansion, during the year 2022-2023, and the work has also been completed. The present Writ Petition has been filed in the year 2024, after completion of the said road work.

4. It is an admitted fact that a pre-existing mud road was in existence even at the time of purchase of the subject property by the petitioner. Though the respondents contend that consent was obtained from the erstwhile owner, it is evident that the mud road was subsequently upgraded into a gravel road and thereafter improved into a WBM / BC road (*Thaar Road*), which is presently in public use. In such circumstances, the petitioners would be entitled to seek alternate relief by way of compensation from the respondents. Since no land acquisition proceedings have been initiated, the petitioners are at liberty to approach the respondents for negotiation. The authorities shall negotiate with the petitioners for quantification of compensation in respect of the patta land, determine the same, and settle it as expeditiously as possible. In the event of non-cooperation on the part of the petitioners, it is open to the Government authorities to initiate appropriate land acquisition proceedings in accordance with law.



5. However, the relief sought for in the present Writ Petition, at this stage, cannot be considered in view of the larger public interest, as the road has been in continuous public use for several years.

6. With the above observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (K.S.,J.)
26-03-2026

Index : Yes
Speaking Order : Yes

Asi

To

1. The District Rural Development Agency
Government Of Tamil Nadu, Represented By Its
Principal Secretary, Fort St.George, Chennai -600 009.
2. The District Collector,
Thiruvarur District, First Floor, Collectorate,
Thiruvarur -610004.
3. District Revenue Officer,
Thiruvarur District, Collector Office Master Plan
Complex, Tamil Nadu - 610004.
4. The Tahsildar,
Kudavasal Taluk, Kudavasal Taluka Office,
Tamil Nadu -612601.



5. Revenue Inspector,
Kudavasal Taluk, Tamil Nadu -612601.

WEB COPY

6. Village Administrative Officer,
Arasur Village, Tamil Nadu -610001.

7. Prabakaran,
S/o. Balasubramanian, Pandaravadai, Moolangudi
Post, Kudavasal Taluka, Thiruvarur District -612610.



WEB COPY

W.P. No. 10571 of 2



S.M.SUBRAMANIAM, J.

AND

K.SURENDER, J.

Asi

**W.P. No. 10571 of 2024
and W.M.P.No.11601 of 2024**

26-03-2026