



WEB COPY



W.P.No. 581 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No. 581 of 2011

J.Jani Sundari (Deceased)

2. J.Sadhananda Sundaraj

3. J.Margret Vijaya Thara

4. J.Grace Deva Sundari

5. Surgna Sorajeni

(P2 to P5 are submitted as Lrs of deceased sole petitioner
vide order dated 03.01.2025 made in WMP.37890/2024

In WP No.581 of 2011 by CVKJ)

... Petitioners

Vs.

1. The Executive Officer,
Kothagiri Town Panchayat,
Nilgiris District.

2. C.Shanmugam

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for, to issue Writ of Mandamus, forbearing the 1st Respondent from anyway laying road in the Petitioner's patta lands in Old Survey No.336/6 in R.S.No.1014/6 and New Survey Nos. 965/4, 977/10 in Kothagiri Village admeasuring 0.93 acres except by following the due process of law.

For Petitioner : Mrs.S.T.P. Kuilmozhi

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader, for R1

R2- Given up



ORDER

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The petitioner seeks a Writ of Mandamus to forbear the first respondent from laying a road over her property in Old Survey No.336/6 in RS No.1014/6, New Survey Nos.965/4 and 977/10 of Kothagiri Village, the Nilgiris.

2. The petitioner claims that she is the wife of one Jayarajan and the daughter of late S.Henry Daniel Bellan. She states that the property aforementioned measures to an extent of 0.93 acres, of which she is the co-owner.

3. She states that the first respondent had decided to lay a road over the said property and had appointed the second respondent as a contractor. On coming to know of the fact that the road is sought to be laid over her private holdings, which concededly are joint in nature, she gave a complaint to the District Collector and the Assistant Director of Town Panchayat, stating that the first respondent cannot lay a road or prepare any estimate for such a road, when it runs over a patta land.



W.P.No. 581 of 20

4. The petitioner states that the first respondent attempted to lay a road over the property and had started preparations for the same. Since taking possession of her property to lay a road was neither supported by the Land Acquisition proceedings nor was it with the consent of the owners, she approached the Court for the aforesaid relief.

5. This Court entertained the Writ Petition and directed the first respondent to file a counter.

6. Pending Writ Petition, the writ petitioner passed away on 27.11.2011, leaving behind the substituted petitioners as her legal heirs.

7. This Court, by an order dated 09.01.2013, had dismissed the Writ Petition as abated. Applications were filed to bring on record the legal representatives, to condone the delay, and to restore the Writ Petition. By an order dated 30.01.2026, the applications were allowed and the Writ Petition stood restored to the file of this Court. On restoration, this Court posted the matter for hearing today.



8. I heard Ms.S.T.P.Kuilmozhi for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the first respondent.

9. A counter has been filed by the first respondent on 03.02.2012. A perusal of which shows that the first respondent had decided to lay a road in Survey No.965/4 and 977/10, to connect Ramchand and Alports in Kothagiri, in order to facilitate the easy access for about 200 families residing therein. The counter concedes that the petitioner is a co-owner of the property, and since she objected to the laying of the road, it was decided not to lay the road over the petitioner's property.

10. The first respondent has further stated that he has no intention to interfere with the peaceful possession and enjoyment of the petitioner's land and that, if a road is to be constructed, the same will be done after following the due process of law. The first respondent has further stated that the road will be laid only if the petitioner and other co-owners grant consent or by resorting to due process of law.



W.P.No. 581 of 20

11. The categorical undertaking given by the first respondent that the road will not be laid over the petitioner's land without following the due process of law is recorded.

12. The Writ Petition is disposed of. There shall be no order as to costs.

06.02.2026

jv

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order

To
The Executive Officer,
Kothagiri Town Panchayat,
Nilgiris District.



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W.P.No. 581 of 2011



V. LAKSHMINARAYANAN, J.

jv

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