



W.No.36223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

Coram

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.36223 of 2024

and

W.M.P.No.39102 of 2024

and

W.M.P.No.1095 of 2025

M.Chellamuthu

...Petitioner

Vs.

1. The District Collector
Office of the Collectorate, Salem District.
2. The Revenue Divisional Officer,
Office of the RDO, Attur.
3. The Tahsildar,
Office of the Tahsildar, Thalaivasal Taluk
Salem District.
4. The Block Development Officer
Office of the BDO, Thalaivasal Taluk
Salem District.
5. The President,
Village Panchayat, Pattuthurai Village
Thalaivasal Taluk Salem District.
6. S.Ramasamy
R-6 is impleaded in this Writ Petition vide order
passed by this Court today

...Respondents



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Prayer :-Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus forbearing the respondent Authorities not to lay any road in the petitioner's property in Survey No.66/1, 66/3A, 66/3B to an extent of about 3.36 acres in Pattuthurai Village, Thalaivasal Taluk, Salem District without following the due process of law by considering the petitioner's representation dated 22.11.2024.

For Petitioner : Mr.A.Rajakumar

For Respondents-1 to 5 : Mrs.S.Anitha
Special Government Pleader

For Respondent-6 : Mr.S.Mayilnathan

ORDER

This Writ Petition is filed seeking for an issuance of a writ, in the nature of mandamus forbearing the respondents Authorities not to lay any road in the petitioner's property in Survey No.66/1, 66/3A, 66/3B, measuring an extent of about 3.36 acres in Pattuthurai Village, Thalaivasal Taluk, Salem District without following the due process of law by considering the petitioner's representation dated 22.11.2024.

2. The learned counsel for the petitioner would submit that the respondents, without issuing any notice to the petitioner, are attempting to



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trespass into the petitioner's property and trying to disturb petitioner's peaceful possession and enjoyment of the property for formation of a road and therefore, the petitioner has made a representation dated 22.11.2024 to the respondents not to lay any road without following the due process of law, however, as on date, the said representation has not evoked any response, which necessitated the petitioner to approach this Court by way of present Writ Petition seeking for the aforesaid relief.

3. The learned Special Government Pleader for respondents 1 to 5, viz., Official Respondents would submit that the respondents are not taking any steps to lay road abutting the petitioner's property, in the event, the petitioner's land is required for formation of road, the same would be acquired by following the due process of law.

4. The learned counsel for the private respondent, viz., the newly impleaded sixth respondent would submit that there is a Civil Suit pending between the sixth respondent and the petitioner with respect to the subject property, which is a patta land, and only in respect of a private land, the official respondents has vested right to acquire the same for the purpose of



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formation of any road, and so far as the subject property is concerned, if any such acquisition took place, the same may be done by following the due process of law, inasmuch as, the sixth respondent has claimed right over the property by initiation of a civil proceedings against the petitioner and therefore, seeks for appropriate orders in that regard

5. I have duly considered the submissions made by the learned counsel for the parties concerned and also perused the materials placed on record.

6. This Writ Petition is filed by the petitioner so as to forbear the Officials Respondents, viz., respondents 1 to 5 from acquiring the petitioner's land, which is a patta land, without following the due process of law, since, the petitioner apprehends that his land might be acquired by the respondents all of a sudden, without any prior intimation for such acquisition and thereby, landing the petitioner in trouble.

7. So far as the learned counsel for the private respondent, viz., the newly impleaded sixth respondent is concerned, his apprehension is that he



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has claimed right over the subject property, measuring an extent of 54 cents in S.No.66/1 by adverse possession and also initiated a Civil proceeding against the petitioner in O.S.No.276 of 2022 on the file of the District Munsif Court, Attur, Salem and pending the Civil Suit, if any such acquisition takes place by the Official Respondents, viz., respondents 1 to 5 for the purpose of formation of a road, the sixth respondent would be put to irreparable hardship, he prays this Court to issue appropriate direction safeguarding his future rights over the subject property.

8. However, this Court, taking into consideration of the submission made by the learned Special Government Pleader for the Official Respondents, viz., respondents 1 to 5 that the respondents has no intention to acquire the petitioner's property for any purpose, and in the event, in future, the subject land is required for formation of road or any other purpose, the same would be resorted to only by following the due process of law, is of the view that it would be appropriate to direct the respondents 1 to 5 to follow due process of law before acquiring the subject property, over which, both the petitioner and the sixth respondent claims right.



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9. Accordingly, this Writ Petition is disposed of by directing the respondents 1 to 5 not to acquire the subject land without following the due process of law and in the event, if the subject land is required by the Official Respondents, the same be done by following the due process of law, but, before doing so, the representation made by the petitioner may be taken into consideration and the sixth respondent shall also be intimated and heard before the Official Respondents resorts to any such acquisition proceedings. No costs. Consequently, connected miscellaneous petition in W.M.P.No.39102 of 2024 is closed. So far as implead Petition in W.M.P.No.1095 of 2025 is concerned, the same is allowed.

09.03.2026

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Index : yes/no

Neutral Citation : yes/no

Note : Registry is directed to carry out amendment in the causetitle of the Writ Petition and wherever it is required. It is made clear that amendment has been carried out only in the Order not in the EB.



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Krishnan Ramasamy,J.,

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