



W.P.(MD) No.9218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE K.SURENDER**

**W.P.(MD) No.9218 of 2024**

A.Vadivel

... Petitioner

Vs.

1.The District Collector,  
Pudukkottai District.

2.The Revenue Divisional Officer,  
Pudukkottai,  
Pudukkottai District.

3.The Tahsildhar,  
Alangudi Taluk,  
Pudukkottai District.

4.The Block Development Officer,  
Thiruvarankulam,  
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the first and fourth respondents to remove the cement road laid on the petitioner's patta land in Sy.No.122/7A, Venkidakulam, Alangudi Taluk and Pudukkottai District by considering the representation dated 28.10.2022.

For Petitioner : Mr.R.Balakrishnan



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For R1 to R3 : Mr.B.Ramanathan  
Additional Government Pleader

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### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first and fourth respondents to remove the cement road laid on the petitioner's patta land in Survey No.122/7A, situated at Venkidakulam Village, Alangudi Taluk, Pudukkottai District, by considering the petitioner's representation dated 28.10.2022.

2. The grievance of the petitioner is that a cement road was laid on the petitioner's patta land in Survey No.122/7A, situated at Venkidakulam Village, Alangudi Taluk, Pudukkottai District, in the year 2018. Though the petitioner had objected to the same at the time of laying of the road, his objection was not considered and the road was nevertheless laid. Subsequently, a survey was conducted and it was found that the road had been laid on the petitioner's land.

3. The fact that the road was laid on the petitioner's land is not disputed by the learned Additional Government Pleader appearing for the



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first to third respondents. He would submit that the land on which the road has been laid has been used as a pathway for several years and that the petitioner had permitted the land to be used for the purpose of conveyance for the benefit of the villagers.

4. This Court is of the view that the fact that the petitioner had allowed the land to be used as a pathway for the benefit of the villagers does not mean that the Government has the right to lay a road on the petitioner's patta land. If any road is to be laid, the Government must follow the due procedure and acquire the land. Only thereafter, the Government can lay the road. Without acquiring the land from the petitioner in accordance with the prescribed procedure, the laying of the road on the ground that it has been used as a pathway for many years ought not to have been done.

5. When this Court expressed the above opinion, the learned Additional Government Pleader appearing for the first to third respondents would submit that either compensation would be paid to the petitioner or if the adjacent land is Government Poramboke land, the authorities would consider providing alternate land to the petitioner.



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6. Recording the above submissions, this Writ Petition is disposed of with a direction to the respondents to consider the petitioner's representation dated 28.10.2022 and grant compensation for the land on which the road has been laid or in the alternative, to provide Government Land, as undertaken by the learned Additional Government Pleader appearing for the first to third respondents, within a period of ten weeks from the date of receipt of a copy of this order. The respondents are also directed to afford a reasonable opportunity of hearing to the petitioner before passing any order. There shall be no order as to costs.

**[K.SURENDER, J.]**

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Index : Yes / No

Neutral Citation : Yes / No

To

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3.The Tahsildhar,  
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