

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.33320 of 2015
& MP.No.1 of 2015

Govindan

... Petitioner

vs.

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Tahsildar,
Chengam,
Chengam Taluk,
Tiruvannamalai District.

3.The President,
Kottavur Panchayat,
Kottavur Village,
Chengam Taluk,
Tiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus, forbearing the respondents from evicting the petitioner in the land admeasuring 1.00 acres or thereabouts comprised in S.No.64/4, situated at Kottavur, Paramandhal Village, Chengam Taluk, Tiruvannamalai District.

For Petitioner : Mr.G.Rajan

For Respondents: Mr.Digvijay Pandian, AGP

ORDER

Though in the prayer sought for, the survey number has been wrongly mentioned as S.No.64/4, situated at Kottavur, Paramanandhal Village, Chengam Taluk, Tiruvannamalai District, it is not in dispute that the prayer sought is with reference to S.No.64/6, which has been classified as Pattai Poramboke.

2. The learned counsel appearing for the petitioner submitted that apart from using a portion of the property, belonging to the Government, for ingress and egress to the private lands of the petitioner in S.No.64/4, he is in possession and occupation of the remaining extent.

3. The learned Additional Government Pleader on instructions submitted that the petitioner has made an attempt to put up temporary construction, which was duly removed. There is no objection to use the pattai poramboke only for the purpose of ingress and egress to the lands of the petitioner. He further submitted that in respect of the remaining extent, a proposal has been made to construct a building for the purpose of accommodating the Village Panchayat Service Centre.

4. In view of the same, the prayer sought for cannot be granted. It is the specific case of the respondents that the temporary construction put up by the petitioner has been removed.

5. Accordingly, the writ petition stands disposed of by making it clear that the petitioner, like any other person, is entitled to use the existing pathway for ingress and egress to his private lands situated in S.No.64/4. It is also made clear that for the remaining extent of land, it is well open to the respondents to use the same for any other public purpose including the purpose aforesaid. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dn/ogy

To

- 1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Tahsildar,
Chengam, Chengam Taluk,
Tiruvannamalai District.
- 3.The President,
Kottavur Panchayat, Kottavur Village,
Chengam Taluk, Tiruvannamali District.

+ 1 cc to Mr.G. Rajan, Advocate SR.67032

+ 1 cc to Government Pleader Sr.67219

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TEJ(CO)

EU 8.1.16