

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION NO.34720 OF 2015
& M.P.NO.1 OF 2015

K.Rajendran

.... Petitioner

Vs.

1.The District Collector,
Cuddalore District, Cuddalore.

2.The District Revenue officer,
Cuddalore, Cuddalore District.

3.The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.

4.The Tahsildar,
Thittakkudi Taluk,
Thittakkudi, Cuddalore District.

..... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to keep the cart track intact running through S.No.486/1 in Korakkavadi Village, Thittakkudi Taluk, Cuddalore District so as to enable the petitioner and other agriculturists to use the cart track as usual for their agricultural operation by considering the representation dated 19.10.2015 made by the petitioner.

For Petitioner : Mr.C.Selvaraj, Senior Counsel for
M/s C.S. Associates

For Respondents: Mrs.P.Rajalakshmi,
Government Advocate

O R D E R

It is the grievance of the petitioner that though there is no objection for construction of the school in Survey No.486/1 in Korakkavadi Village, Thittakkudi Taluk, Cuddalore District, the same can be done by making sure the existing cart track is obliterated as provided under Revenue Standing order No.24. It is seen from the records that the Revenue Tahsildar, Thittakkudi has sent a communication in Na.Ka.No/1/01/2015 dated 16.10.2015

to the Primary Educational Officer, Cuddalore, about the permission granted to put up construction.

2. The learned Senior Counsel appearing for the petitioner submitted that the file is pending for passing final orders by the first respondent. The petitioner has also given a representation on 19.10.2015 to the first respondent stating that while giving permission to put up construction for the school, appropriate land has to be earmarked and left to be used as cart track. Thus, with the abovesaid grievance, the present writ petition has been filed.

3. From the prayer sought for in the writ petition, it is a specific case of the petitioner that there is a cart track existing in Survey No.486/1, which in all probability would be obliterated if the school is put up. In other words, the grievance of the petitioner is not against the construction of the school, but such construction, if made, cannot be for the entire area inclusive of the cart track.

4. Taking into consideration the submissions made coupled with the fact that the petitioner's representation dated 19.10.2015 is pending consideration with the first respondent, without going into the merits of the case, the said authority is directed to pass appropriate orders on the said representation, pending with respect to the land to be used for the construction of the school and the issue of leaving adequate space for the cart track, within a period of six weeks from the date of receipt of a copy of this. Till appropriate orders have been passed, there shall be an order of status quo.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

raa

To

1.The District Collector,
Cuddalore District, Cuddalore.

2.The District Revenue officer,
Cuddalore, Cuddalore District.

3.The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.

4.The Tahsildar,
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Thittakkudi, Cuddalore District.

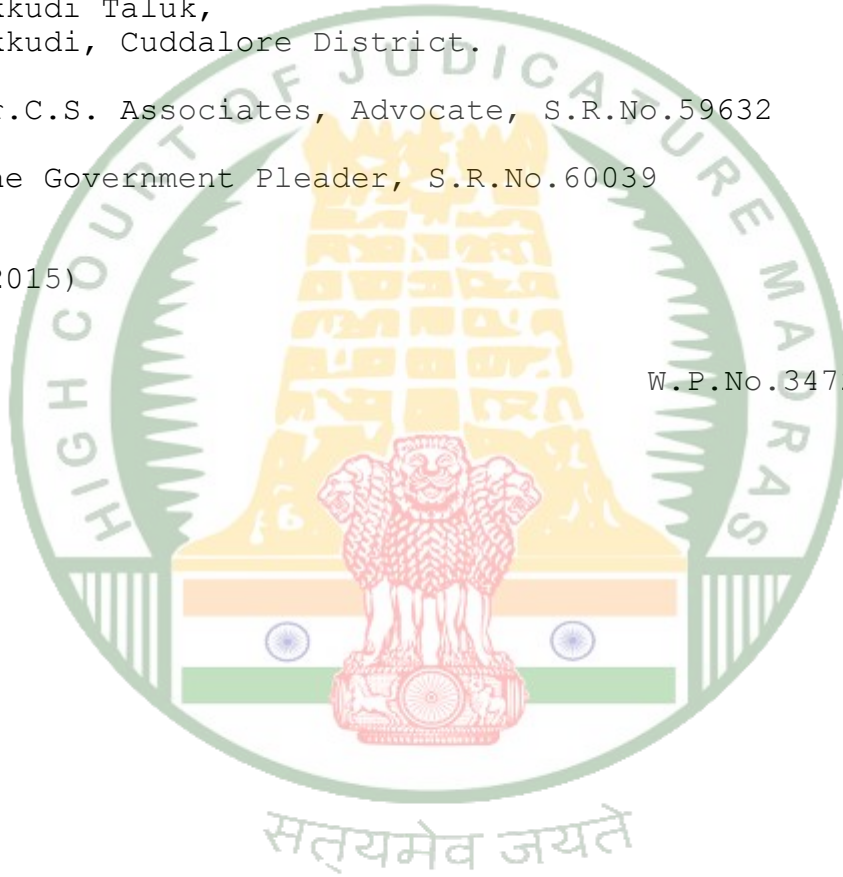
+1cc to Mr.C.S. Associates, Advocate, S.R.No.59632

+1cc to the Government Pleader, S.R.No.60039

TM(CO)

EU(18/11/2015)

W.P.No.34720 of 2015



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