

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37470 of 2015

S. Ramasamy

...Petitioner

Vs

1. The District Collector  
Namakkal District  
Namakkal.

2. The Commissioner  
Tiruchengode Municipality  
Tiruchengode  
Namakkal District.

...Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to forbear the respondents from infringing the petitioner's right to property under the guise of constructing public latrine in the agricultural land bearing S.F.No.110, Seetharampalayam Village, Tiruchengode Taluk, Namakkal District, till the compliance of procedure established by law under Articles 21 and 300 A of the Constitution of India by considering his representation dated 20/11/2015.

For petitioners : Mr.N. Manokaran

For respondents : Mr.R.Vijayakumar,  
Additional Government Pleader  
for R.1.  
Mrs.A.Srijayanthi  
Special Government Pleader  
for R.2.

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## O R D E R

With the consent of the learned counsel appearing for the parties, the main writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.N.Manokaran, learned counsel for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader for the first respondent and Mrs.A.Srijayanthi, learned Special Government Pleader for the second respondent.

3. This writ petition has been filed praying to forbear the respondents from infringing the petitioner's right to property under the guise of constructing public latrine in the agricultural land bearing S.F.No.110, Seetharampalayam Village, Tiruchengode Taluk, Namakkal District, till the compliance of procedure established by law, under Articles 21 and 300 A of the Constitution of India by considering his representation dated 20/11/2015.

4. The petitioner would state that the land is his private patta land and patta has been granted to the petitioner on 16/11/2015. Further, a copy of the chitta and 'A' register have also been enclosed in the typed set of papers. From the photographs filed along with the typed set of papers, it is seen that construction has been commenced and foundation work is in progress. The petitioner has also filed a Civil Suit in O.S.No.348 of 2015 before the District Munsif Court, Tiruchengode, to measure the suit property and for other reliefs. The petitioner would further state that if the Municipality requires the land, they have to acquire the land in the manner to law instead they should not encroach.

5. In this regard, the petitioner has submitted a representation to the second respondent on 20/11/2015. Since the same has not been considered till date, the petitioner has come forward with the present writ petition.

6. In the light of the above, the second respondent is directed to consider the petitioner's representation dated 20/11/2015, on merits and in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order. Till orders are passed, construction work

shall be stopped. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector  
Namakkal District  
Namakkal.
2. The Commissioner  
Tiruchengode Municipality  
Tiruchengode  
Namakkal District.

1 CC to Mr.N. Manokaran, Advocate SR.No. 64071

1 CC to the Government Pleader, SR.No.64175

W.P.No.37470 of 2015

EV (CO)  
PSI (26.11.2015)

सत्यमेव जयते

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