

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

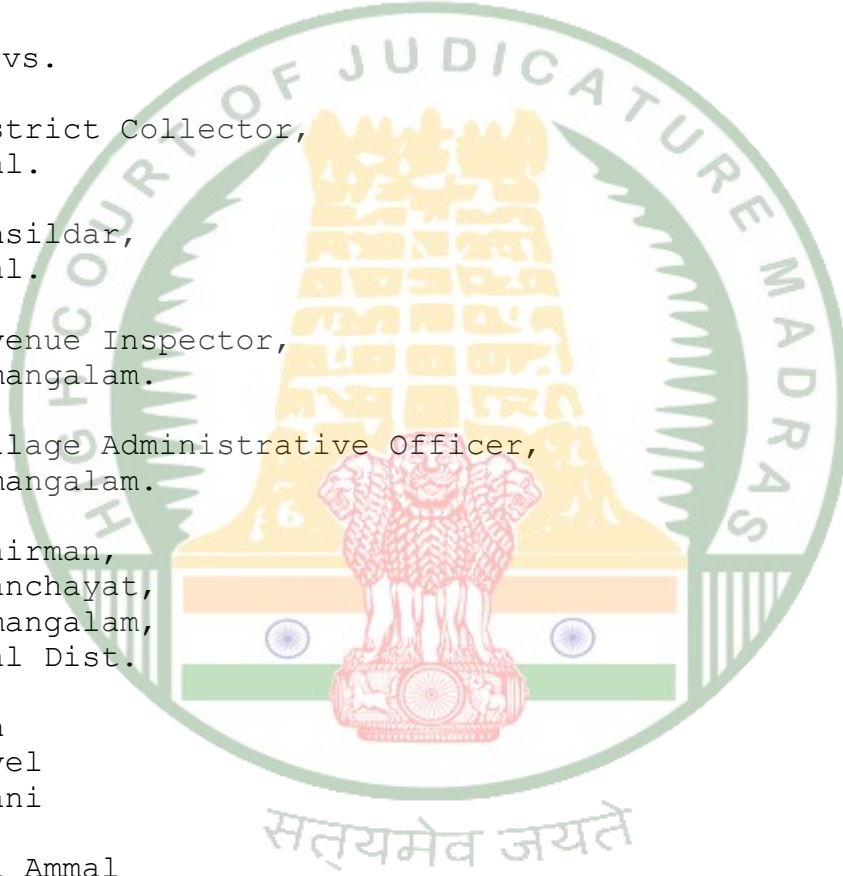
Writ Petition No.194 of 2012

M.Paramasivam

...Petitioner

vs.

1. The District Collector,  
Namakkal.
2. The Tahsildar,  
Namakkal.
3. The Revenue Inspector,  
Senthamangalam.
4. The Village Administrative Officer,  
Senthamangalam.
5. The Chairman,  
Town Panchayat,  
Senthamangalam,  
Namakkal Dist.
6. Natesan
7. Thangavel
8. Subramani
9. Sekar
10. Papathi Ammal
11. Dhandapani
12. Poongodi
13. Susila
14. Banumathi
15. Srirangan
16. Sadhasivam
17. Remachandran
18. Ganesan
19. Valliammal
20. P.V. Duraisamy



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21.P.V.Navaneedhan  
22.Velammal

23.The Revenue Divisional Officer,  
Namakkal.

...Respondents

[R6 to R23 impleaded as per  
order dt.22.8.2012 in MP 2/2012]

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, forbearing the respondents from laying any road or creating a pathway in S.No.115/2, Senthamangalam village, Namakkal Taluk and District.

For petitioner : Mr.R.Subramanian

For respondents : Mr.R.Ravichandran, AGP for R1-R4  
Mr.S.V.Duraisolaimalai for R5

#### O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a Writ of Mandamus, forbearing the respondents from laying any road or creating a pathway, in Survey No.115/2, Senthamangalam village, Namakkal Taluk and District.

3. The learned counsel appearing on behalf of the petitioner had submitted that all the necessary parties have been impleaded in the present Writ Petition and an interim order of injunction had also been granted by this Court, by its order, dated 5.1.2012, restraining the official respondents from laying a road, in Survey No.115/2, Senthamangalam village, Namakkal Taluk and District. The learned counsel had also submitted that Civil Suits have been filed by the petitioner, as well as the private respondents and by certain other persons, in O.S.Nos.409 of 1999, 448 of 1999, 145 of 2002, on the file of the Principal District Munsif Court, Namakkal District. Further, in the Appeals filed by the petitioner, in A.S.No.65 to 67 of 2005, an order had been passed remitting the matter back to the trial court, for hearing the matter, afresh, and that the said Suits are still pending disposal, on the file of the Principal District Munsif Court, Namakkal District. While so, the petitioner had also filed a Suit, in O.S.No.519 of 2011, praying

for an order of interim injunction against the official respondents. However, the said Suit had been withdrawn. He had further submitted that the issues raised before this Court, in the present Writ Petition, had also been raised, in O.S.NO.145 of 2002, which is still pending on the file of the Principal District Munsif Court, Namakkal District.

4. The learned counsel appearing on behalf of the 5th respondent had filed a counter affidavit, dated 1.10.2015. Paragraph No.7 of the said counter affidavit reads as follows:-

"7. It is respectfully submitted that a Gift Settlement was registered by one Mr.Seerangan and 9 others in favour of Senthamangalam Town Panchayat vide Document No.3812 of 2011 on the file of the Sub Registrar, Senthamangalam, Namakkal. The said Settlement Deed was registered to hand over title and possession of land measuring 858 ½ sq.feet [79.768 sq.meters], comprised under Survey No.115/2, Senthamangalam Village to the Fifth Respondent Town Panchayat for the formation of public path. Since the above Writ Petitioner has already approached the Civil Court, the Fifth Respondent Town Panchayat has been awaiting verdict from the District Munsif Court, Namakkal. Hence, necessary resolution i.e. Resolution No.107 dated 23.12.2011 was passed in the Fifth Respondent Town Panchayat. "It is resolved to await verdict of Civil Court and necessary steps may be taken thereafter."

In the foregoing extracted portion of the counter affidavit, it has been stated that it had been resolved to await the verdict of the Civil Court before laying of the road, in Survey No.115/2, Senthamangalam Taluk, Namakkal village and District.

5. In view of the resolution passed by the 5th respondent, as stated in paragraph 7 of the counter affidavit filed on behalf of the 5th respondent, no further orders are necessary in the present Writ Petition. Hence, the Writ Petition stands dismissed. No costs. M.P.No.1 of 2012 is closed.

Sd/-  
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gs.

To

1. The District Collector,  
Namakkal.

2. The Tahsildar,  
Namakkal.

3. The Revenue Inspector,  
Senthamangalam.

4. The Village Administrative Officer,  
Senthamangalam.

5. The Chairman,  
Town Panchayat,  
Senthamangalam,  
Namakkal Dist.

6. The Revenue Divisional Officer,  
Namakkal.

1 CC to Mr.S.V.Duraisolaimalai, Advocate SR.No. 565085

1 CC to Mr.R.Subramanian, Advocate SR.No. 56958

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KK (CO)  
PSI (04.11.2015)



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