



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.18479 of 2015

N.M.Diwan Oli

... Petitioner

Vs.

1.The Secretary,
Municipal and Water Supply Department,
Secretariat,
Chennai.

2.The Director,
Municipal and Water Supply Department,
Secretariat,
Chennai.

3.The Regional Director,
Municipal and Water Supply Department,
Tirunelveli Region,
Tirunelveli.

4.The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the recommendation of the 4th respondent letter bearing Na.Ka. No.3859/10/F1 dated 14.07.2011 seeking permission to acquire land for laying connecting road and other basic amenities in the sornapuram area Tenkasi Municipality Tirunelveli District within the stipulated period.

For Petitioner	: Mr.M.Mohamed Sherbudeen
For Respondents 1-3	: Mr.M.Govindan, Special Government Pleader.
For 4 th Respondent	: Mr.P.Athimoolapandian

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)



fourth respondent letter bearing Na.Ka. No.3859/10/F1 dated 14.07.2011 seeking permission to acquire land for laying connecting road and other basic amenities in the Sornapuram area, Tenkasi Municipality, Tirunelveli District.

2.The petitioner village was not provided with basic amenities and therefore, he filed W.P(MD)No.6268 of 2011 which came to be disposed of on 04.07.2011 directing the respondents to consider his representation dated 07.03.2011. Thereafter, for non compliance of the said order, he filed Contempt Petition (MD)No.656 of 2011 which came to be closed by an order dated 17.06.2013 with the following observation:-

"2.The second respondent has now passed the order on 14.06.2013. Even though the said order is passed belatedly, the order having been complied with as on today, no further adjudication is necessary in the present contempt petition. Hence, the contempt petition is closed".

3.Learned counsel for the petitioner submits that since he did not receive the order passed by the fourth respondent, dated 14.06.2013, he moved the Department under Right to Information Act and only thereafter, the petitioner received copy of the said order dated 14.06.2013 on 16.04.2015.

4.The present writ petition has been filed to implement the letter of the fourth respondent dated 14.07.2011 which was addressed to the respondents 2 and 3.

5.Be that as it may, what has been the proceedings in Na.Ka.No.3859/10/F1, dated 14.07.2011 is recommendatory in nature. Paragraph 8 of the reply of the fourth respondent, dated 14.06.2013 reads as follows:

"8.At the said meeting it was decided that the extent of land for the connecting road will be gifted to our Municipality and the said owners of the land gave their consent to the same in writing. We would like to state that only if the land for laying the road is gifted to the municipality or acquired as agreed in the meeting we can proceed further in this matter. It is the primary responsibility of the welfare association and the petitioner to see to that land is gifted to the municipality for laying the road. Till date the said land is in the possession of the plot owner. Hoping that you would hand over the land to the municipality. We sent a letter bearing No.Na.Ka.No.3859/10/F1, dated 14.07.2011 to the Government through the Regional Director of Municipal Administration, Tirunelveli seeking permission acquiring the land for having a connecting road on the condition that the cost of acquisition shall be borne by the Welfare Association in Sornapuram Meetu Street, enclosing the said consent letters. The copy of the said letter dated 14.07.2011 was sent to you".

6.It is seen from the above said proceedings that action has been taken to lay the road by getting consent from the land owners.

<https://hcservices.ecourts.gov.in/hcservices/>

7.Further, the petitioner should have been impleaded the land owners who have consented for gifting their land in favour of the



municipality for laying road. By repeated orders of this Court, the petitioner is trying to acquire property of some third parties without impleading them as parties in the present proceedings.

8. In view of the above, we are not inclined to entertain the writ petition in public interest. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

sms

To

1. The Secretary,
Municipal and Water Supply Department,
Secretariat,
Chennai.
2. The Director,
Municipal and Water Supply Department,
Secretariat,
Chennai.
3. The Regional Director,
Municipal and Water Supply Department,
Tirunelveli Region,
Tirunelveli.
4. The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

+1Cc to Mr.M.Mohamed Sharbudeen Advocate Sr.No.60575

+1CC to Spl.Government Pleader Sr.No.60748

GJM/JGB/20.10.15-3P-7C

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