

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12505/2016 & WMP.No.10819/2016

P.Pandiarajan

..Petitioner

Versus

1.The District Collector
Namakkal District, Namakkal.

2.The Tahsildar,
Paramathi Velur Taluk
Namakkal District.

3.The Executive Officer
Pothanur Town Panchayat
Pothanur, Namakkal District.

4.Lakshmi

5.Sarasu

6.Raman

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus forbearing the respondents 1 to 3 from interfering with the petitioner's right of access to and from the public street/road from all points on the northern boundary of his lands in SF.No.22/3 under the guise of construction of Solar Powered Green Houses in the road margin bearing SF.No.20 of Pothanur Village, Paramathi Velur Taluk, Namakkal District by considering his representation dated 21.03.2016.

For Petitioner : Mr.N.Manokaran

For R1 to R3 : Mr.R.Govindasamy, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that his father, viz., S.Pitchaimuthu, had purchased lands admeasuring to an extent of 1.46 acres in Survey No.22/3, Pothanur Village, Paramathivelur Taluk, Namakkal District from one P.S.Ponnusamy and 7 others through a registered Sale Deed dated 24.06.1979

[Document No.969/1979] and after purchase, the revenue records were also mutated. The said Pitchaimuthu, in turn, had registered two Settlement Deeds bearing Nos.738 and 739 of 2012 dated 13.03.2012 in the name of his two sons, viz., the petitioner and his younger brother P.Bakiyaraj, settling 73 cents to each of his sons. The petitioner and his brother had effected mutation in the revenue records, which is also evident from Patta No.1694. The grievance expressed by the petitioner is that the respondents 4 to 6 on 21.03.2016, have started levelling and cleaning the road margin with a view to put up some construction therein. On enquiry, the petitioner came to know that a decision has been taken to construct a Solar Powered Green houses under the Solar Powered Green Houses Scheme [SPGHS], as per G.O.Ms.No.46, Rural Development and Panchayat Raj Department, dated 17.08.2011. The grievance expressed by the petitioner is that if the construction is put up, the road margin will get reduced and it is contrary to the provisions of the Tamil Nadu Municipalities Act. The petitioner in this regard, has submitted a representation dated 21.03.2016 to the 1st respondent and also to other higher officials and since no response is forthcoming, he is constrained to approach this Court by way of filing the present writ petition.

3 Learned counsel for the petitioner has drawn the attention of this Court to the materials placed before it and would submit that admittedly, the property is located in the said place with a very narrow margin and in the event of construction being put up, the road margin would get reduced and thereby denying free access to the houses on road and therefore prays for appropriate orders.

4 Heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the respondents 1 to 3 along with a copy of this order as well as a copy of his earlier representation within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider and dispose of the said representation on merits and in accordance with law, after putting on notice the respondents 4 to 6 and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 4 to 6.

6 The writ petition is disposed of with the above direction. No costs. The interim order granted by this Court, stands vacated and the miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

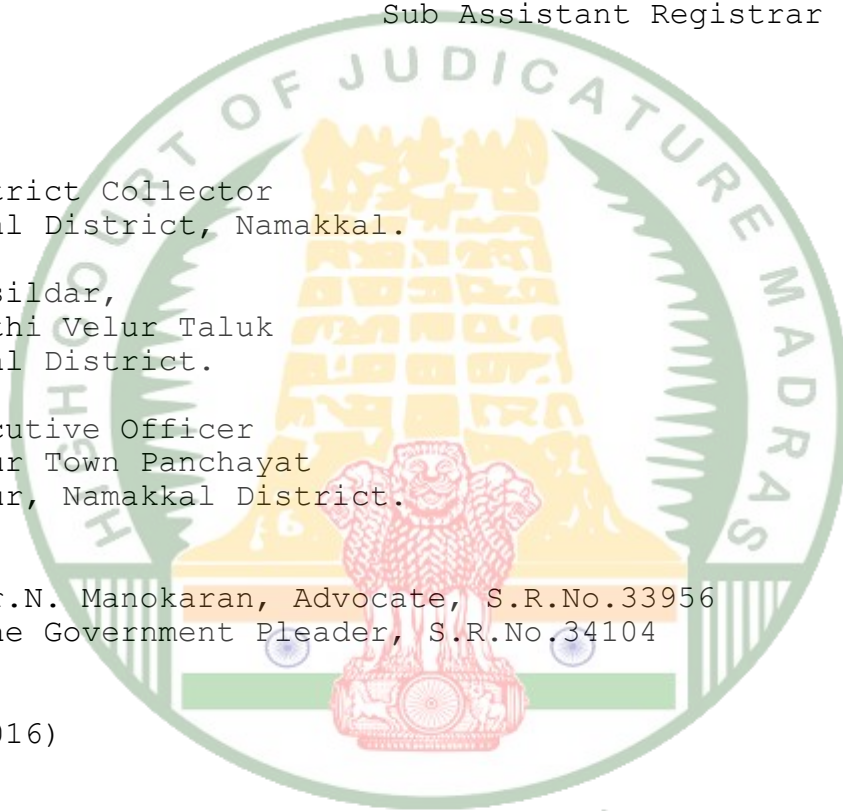
AP

To

- 1.The District Collector
Namakkal District, Namakkal.
- 2.The Tahsildar,
Paramathi Velur Taluk
Namakkal District.
- 3.The Executive Officer
Pothanur Town Panchayat
Pothanur, Namakkal District.

+1cc to Mr.N. Manokaran, Advocate, S.R.No.33956
+1cc to the Government Pleader, S.R.No.34104

CA(CO)
EU(5/07/2016)



सत्यमेव जयते

W.P.No.12505/2016

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