

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.34377 of 2014
and
M.P.No.1 of 2014

V.Sellamuthu

... Petitioner

Vs.

- 1.The Secretary,
Local Administration,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai-600 009.
- 2.The Collector,
Thiruppur Collector Office,
Thiruppur,
Pin code - 641 601.
- 3.The Tahsildar,
Dharapuram Tahsildar Office,
Dharapuram,
Thiruppur District
Pin code-638 656.
- 4.The Block Development Officer,
Kundadam Panchayat Union,
Kundadam, Dharapuram Taluk,
Thiruppur District.
Pincode - 638 702.

5.P.Makudapathi

.. Respondents

The writ petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to dispose of the petitioner's representation, dated 15.12.2014.

For Petitioner	: Mr.M.Murugesan
For Respondents	: Mr.K.Dhananjayan, Spl.G.P for RR1 to 3 Mr.N.Srinivasan for R-4 Mr.M.Guruprasad for R-5

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ORDER

Heard.

2 This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the third respondent to dispose of the representation of the petitioner, dated 15.12.2014.

3 The main contention of the learned counsel appearing on behalf of the petitioner is that the fifth respondent is laying the pipeline through the public pathway, which is also being used by the petitioner. Therefore, the fifth respondent ought to be restrained, from laying the pipeline, through the public pathway.

4 The learned counsels appearing on behalf of the respondents had submitted that the writ petition is not maintainable, as the petitioner is not the owner of the land, through which the fifth respondent is laying the pipeline. Further, it has not been stated as to how the rights of the petitioner would be infringed, by the laying of the pipeline, by the fifth respondent. Even otherwise, it is for the petitioner to seek his reliefs, if any, before the appropriate civil forum, to establish his easementary rights.

5 In view of the submissions made by the learned counsels appearing on behalf of the respondents, this Court does not find any merit in the present writ petition. The writ petitioner has not stated as to how he is affected, by the laying of the pipeline, through the public pathway, by the fifth respondent. Even otherwise, it is for the petitioner to establish his easementary rights, if any, before the civil forum concerned. As such, this Court is of the view that the present writ petition is not maintainable. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

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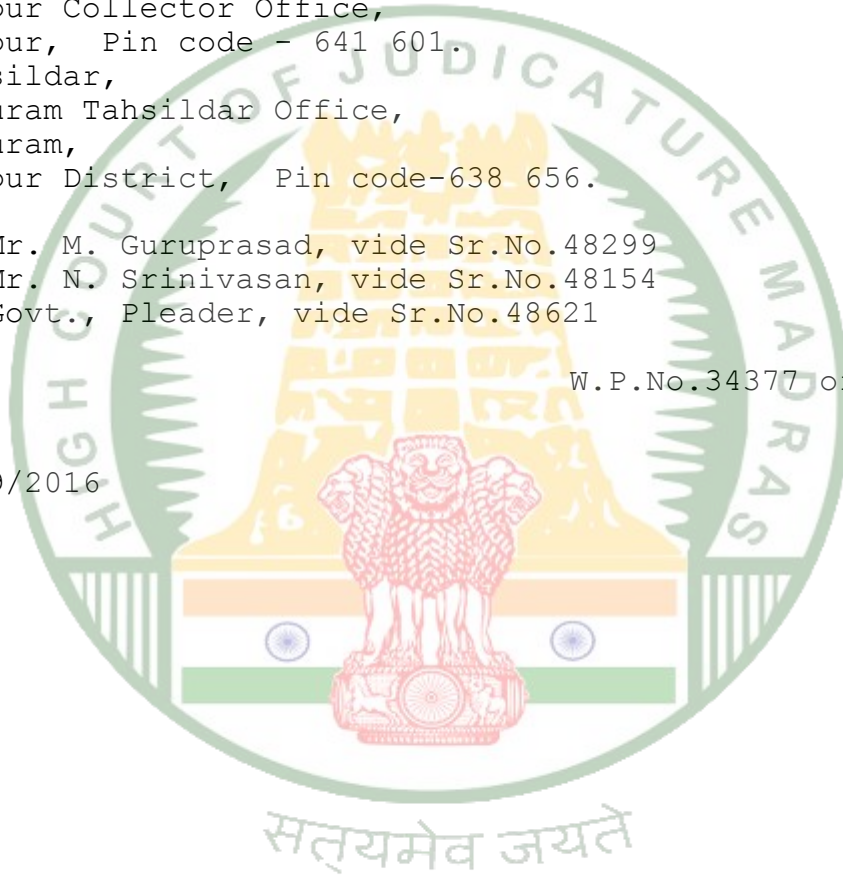
To

- 1.The Secretary,
Local Administration,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai-600 009.
- 2.The Collector,
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Thiruppur, Pin code - 641 601.
- 3.The Tahsildar,
Dharapuram Tahsildar Office,
Dharapuram,
Thiruppur District, Pin code-638 656.

+1 CC to Mr. M. Guruprasad, vide Sr.No.48299
+1 CC to Mr. N. Srinivasan, vide Sr.No.48154
+1 CC to Govt., Pleader, vide Sr.No.48621

W.P.No.34377 of 2014

SKV (CO)
MD : 07/09/2016



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