

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.32192 of 2016
and W.M.P.Nos.27921 and 27922 of 2016

R.Sathyaraj

.. Petitioner

Vs.

1. The Commissioner
Salem Corporation
Salem District.

2. The Commissioner
Town Planning Officer
Salem Corporation
Salem District.

3. K.Bashu

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 and 2 to remove the Metal Fencing in the public land bearing S.F.No.60/1 (part), 69 (part), 70/2 (part) of Bodinayakanpatti Village, Salem District in pursuant to the Salem Mullainagar Approved Plot L.P.R.No.77/83 and allow the school children and public to use the land.

For Petitioner : Mr.G.Murugendran

For Respondents : Mrs.K.Bhuvaneswari
for 1st respondent

Mr.R.Vijayakumar
Addl. Government Pleader
for 2nd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

On hearing the learned counsel for parties, we are of the view that the matter is not required to be entertained as a

public interest litigation as there appears to be rival claims to the land in question, i.e. whether it is public land or it is a land owned by the third respondent. However, this will not preclude the respondent - authorities from verifying the title of the land and as to whether any encroachment of public land exists keeping in mind that there may be other civil litigations in respect of this land.

The petition is dismissed with the aforesaid observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

1. The Commissioner
Salem Corporation
Salem District.
2. The Commissioner
Town Planning Officer
Salem Corporation
Salem District.

+1 cc to M/s.G.Murugendran, advocate, sr.52466

+1 cc to Govt.Pleader, sr.52386.

ssk(co)
krd 20/9

W.P.No.32192 of 2016

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