

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8965 of 2016
and
W.M.P.No.7969 of 2016

S.Ramasamy
S/o.Singaram

.. Petitioner

vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The Divisional Engineer,
Highways and Rural Road,
Perambalur District.

3.The Block Development Officer
(Special Scheme),
Panchayat Union,
Veppur, Kunnam Taluk,
Perambalur District.

4.The President/Executive Officer,
Vasistapuram Panchayat,
Kunnam Taluk,
Perambalur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from constructing any building in Survey No.43 in front of the petitioner's land bearing S.No.42/1 in Vasistapuram Village, Kunnam Taluk, Perambalur District as the same is prohibited by the Easement Act 1882.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents: Mr.J.Balagopal,

Additional Government Pleader [R1 & R2]

Mr.P.S.Shiva Shanmugasundaram,

Special Government Pleader [R3 & R4]

O R D E R

Heard Mr.G.Elanchezhiyan, the learned counsel for the petitioner, Mr.J.Balagopal, the learned Additional Government Pleader for the respondents 1 and 2 and Mr.P.S.Shiva Shanmugasundaram, learned Special Government Pleader for the respondents 3 and 4.

2. The petitioner has filed this writ petition seeking issuance of a writ of mandamus to forbear the respondents from constructing any building in Survey No.43 alleging that the same, if allowed to be constructed, will affect the petitioner's easementary right to his land bearing S.No.42/1 in Vasistapuram Village, Kunnam Taluk, Perambalur District.

3. If the petitioner's grievance is that his easementary right is being affected on account of the action of the respondents, the petitioner has to approach the civil Court for appropriate relief and in a writ petition, the question regarding easementary right cannot be decided. Therefore, while declining to grant the relief sought for, liberty is granted to the petitioner to approach the civil Court for appropriate relief and if it is done, the civil Court shall deal with the matter on merits and in accordance with law.

Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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1.The District Collector,
Perambalur District,
Perambalur.

2.The Divisional Engineer,
Highways and Rural Road,
Perambalur District.

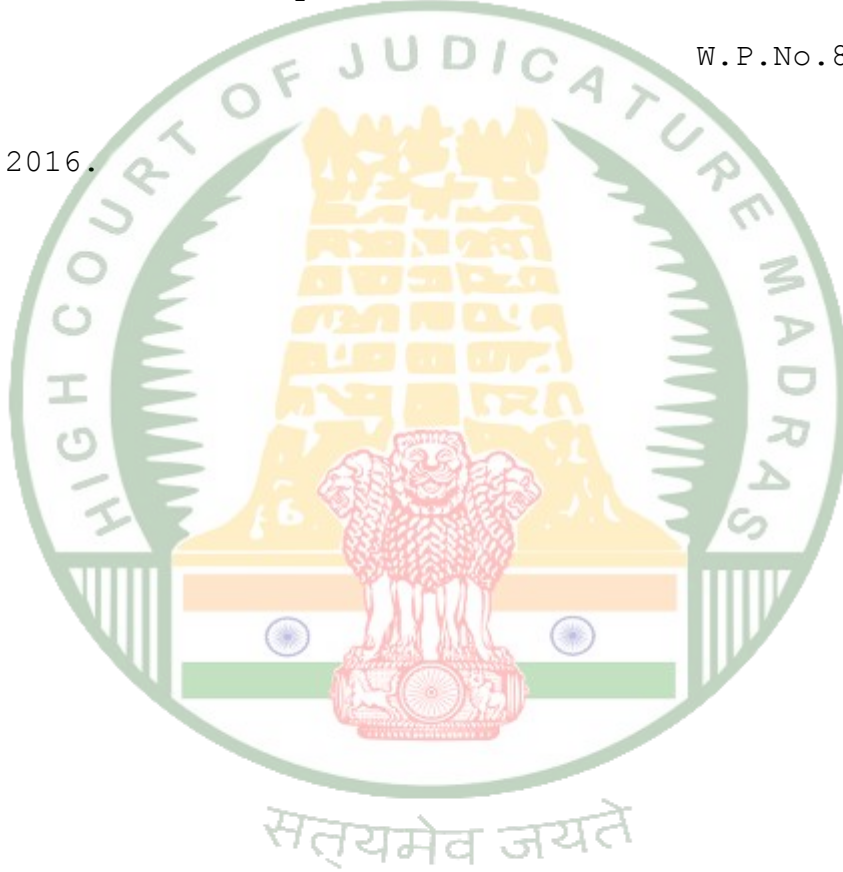
3.The Block Development Officer
(Special Scheme),
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4.The President/Executive Officer,
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Kunnam Taluk,
Perambalur District.

+1 cc to M/s.G.Elanchezhian, Advocate, sr.15787

W.P.No.8965 of 2016

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