



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.12.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.2176 of 2015

and

M.P (MD) Nos.1,2 and 3 of 2015

K.Jeyapriya

..Petitioner

Vs

1.The District Collector,
Madurai District.

2.The Assistant Director(Panchayats),
Madurai District.

3.The Block Development Officer,
Alanganallur Division,
Madurai District.

4.The President,
Kallivelipatti Panchayat,
Vadipatti Taluk,
Madurai District.

5.K.Vijayan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent's proceedings in Na.Ka.No.2650/14/Thi4, dated 15.12.2014 and to quash the same with respect to the fourth schedule namely construction of Anganwadi Building in S.No.395/2A at Kanmaipatti, Kallivelipatti, Vadipatti Taluk, Madurai District consequently direct the 4th respondent to construct the Anganwadi Building in Survey No.458/26 at Kanmaipatti, Kallivelipatti, Vadipatti Taluk, Madurai District.

For Petitioner :M/s.M.Gururaj

For Respondents :Mr.T.S.Moahmmed Mohideen
1 to 3 Addl.Govt.Pleader

For Respondent-4 :Mr.M.Govindan
Spl.Govt.Pleader

For implead

<https://hcservices.ecourts.gov.in/hcservices/> Petitioner :Mr.R.Manoharan

ORDER

When the matter was listed before this Court on 09.07.2015 and again on 13.07.2015, there was no representation for the Petitioner. Today also, there is no representation for the Petitioner, as a third time.

2.The Petitioner challenges the order passed by the third respondent, dated 15.12.2014 and consequently sought for a direction to the fourth respondent to construct an Anganwadi Building at S.No.458/26 at Kanmaipatti, Kallivelipatti, Vadipatti Taluk, Madurai District.

3.The grievance of the Petitioner is that the proposed construction of the Anganwadi Building is in a land to which he was granted 2-C patta and therefore, such construction cannot be done at that place and on the other hand, alternately, it can be done at another place at S.No.458/26.

4.The 5th respondent filed a counter affidavit wherein it is stated that the Petitioner, based on 2-C patta granted in his favour, sought to prevent the construction of an Anganwadi Building at the proposed site, without having any title over the land in any manner. It is also stated in the counter affidavit that the alternate land suggested by the Petitioner at S.No.458/26 is lying adjacent to the village mayanam and therefore, the said site cannot be utilized for constructing Anganwadi Building.

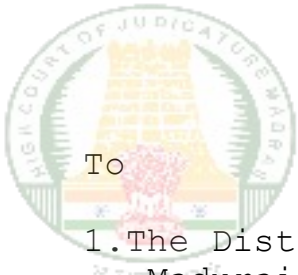
5.First of all, I do not find any justification on the part of the Petitioner in approaching this Court to challenge the proceedings of the third respondent in granting permission to construct an Anganwadi Building at the proposed site, without having any right or title over the same, more particularly, when he himself has admitted that he has been given 2-C patta in respect of the said land. A person having 2-C patta, at the best can enjoy the usufructs of the grown up trees in the said land and cannot have any right or claim over the said land itself. In any event, when the construction is made for Anganwadi and such construction is chosen to be done at a place of the convenience of the local people, the petitioner cannot obstruct such construction by way of this frivolous litigation. Accordingly I do not find any merit in the Writ Petition.

6.Hence, the Writ Petition stands dismissed. Consequently, connected Miscellaneous petitions are dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1.The District Collector,
Madurai District.

2.The Assistant Director(Panchayats),
Madurai District.

3.The Block Development Officer,
Alanganallur Division,
Madurai District.

4.The President,
Kallivelipatti Panchayat,
Vadipatti Taluk,
Madurai District.

+1cc to M/s.R.Manoharan, Advocate in SR.79938

+1cc to the Special Government Pleader, in SR.79992

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and

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07.12.2016

vsn

PBK/GSV-PM/SAR-II 21/12/2016 ::3P-7C: