



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.10619 of 2016

and

W.M.P(MD)No.8240 of 2016

M.Sakthivel

... Petitioner

Vs.

1.The District Collector, Trichy.

2.The Commissioner,
Trichy Municipal City Corporation,
Trichy.

3.The Commissioner of Police,
Trichy City, Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents herein from in any way constructing any building or police station by encroaching the 20 metres common pathway tar road situated at Bharathiar Street Ammakulam Ariyamangalam Trichy on the basis of petitioner representation dated 23.05.2016.

For Petitioner	: Mr.B.Jameel Arasu
For Respondents 1&3	: Mr.S.Chandrasekar, Government Advocate.
For 2 nd Respondent	: Mr.N.S.Karthikeyan

ORDER

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO,J**)

This writ petition has been instituted by a resident of Bharathiar Street, Ammakulam, Ariyamangalam, Tiruchirappalli. He sought for the issuance of a writ of mandamus to restrain the respondents in any way constructing a building or police station, by encroaching the common pathway-tar road, situated at Bharathiar Street, Ammakulam, Ariyamangalam, Tiruchirappalli.

2.Learned Government Advocate who has accepted notice on behalf of the first and third respondents has produced before us a Land Transfer Certificate issued by the Tamil Nadu Slum Clearance Board, Thiruchirappalli Division, Thiruchirappalli, transferring 236.80 meters of land lying in Ward-S, Block No.35, T.S.No.202/2-A, TNSCB Land within the following boundaries:-

North:	Pathway
South:	Trichy to Thanjavur NH Road
East	: Plot No.266, 269
West	: Pathway



The purpose for which the land was transferred was mentioned in the Land Transfer Certificate as for construction of police station and orders have been passed by the competent authority for such transfer on 18.03.2016.

3. In that view of the matter, the apprehension entertained by the writ petitioner cannot be said to be well founded. When 236.80 meters of land is transferred, the respondents 1 and 3 being public servants would under no circumstances travel beyond the boundaries of the land so transferred in their favour by the Tamil Nadu Slum Clearance Board, Thiruchirappalli. We cannot assume that the respondents 1 and 3 would be deliberately taking law into their own hands and would be encroaching upon the pathways found on the northern and western sides of the land which was transferred for the purpose of construction of police station. We have to assume that the respondents 1 and 3 would faithfully and truthfully stick to utilise the extent of land which was transferred by the Tamil Nadu Slum Clearance Board, Thiruchirappalli for the purpose of construction of police station and that they would make construction strictly within the four corners of the land transferred by the Tamil Nadu Slum Clearance Board, Thiruchirappalli for that purpose.

4. Therefore, we do not find any justifiable reasons for us to interfere in the matter, at this stage. Hence, the writ petition is found to be without merit and it is, accordingly, dismissed. No costs. W.M.P(MD)No.8240 of 2016 is closed.

Sd/-

Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector, Trichy.
2. The Commissioner of Police,
Trichy City, Trichy.
3. The commissioner, Trichy Municipality Corporation
Trichy.

+1cc to M/S.B.Jameel Arasu Advocate SR.31270

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 31165

Sms

JA-SKS-RR.SAR.II/22.6.2016/2P-6c

Writ Petition (MD) No.10619 of 2016
and

W.M.P (MD) No.8240 of 2016
16.06.2016