

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.1098 of 2017

Coimbatore Hitech Infrastructure Private Ltd.,
Rep. By its Vice President P.Devaraj,
Son of Palanisamy,
No.365, KGISL Campus,
Thudiyalur Road,
Saravanampatti,
Coimbatore - 641 035. ... Petitioner

Vs

1. The District Collector,
Coimbatore.
Coimbatore District.
2. The Block Development Officer,
Sarkarsamakulam Union,
Coimbatore District.
3. The Panchayat President,
Keeranatham Village Panchayat,
Saravanampatti Post,
Coimbatore District.
4. Kanagaraj
5. The Revenue Divisional officer,
Coimbatore North, Coimbatore. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to forbear respondents from in anyway obstructing the ingress and egress through Panchayat Road at S.Nos.289/2B, 289/5B, 273, 277/4, 277/5 and 277/7-445 at Keeranatham Village, Sarakarsamakulam Union, Coimbatore District.

For petitioner : Mr.V.Lakshminarayanan
for Mr.K.Pradeepraj
For R1 to R3 & R5: Mr.M.Elumalai, GA

O R D E R

By way of filing this writ petition, the petitioner seeks issuance of a writ of mandamus to forbear the respondents, including the fourth respondent/private party, from obstructing the ingress and egress through Panchayat Road at Survey Nos.289/2B, 289/5B, 273, 277/4, 277/5 and 277/7-445, Keeranatham Village, Sarakarsamakulam Union, Coimbatore District.

2. The grievance of the petitioner Company is that they wanted to lay the road through the property covered in S.No.277/5 belonging to the fourth respondent. During the pendency of the writ petition, they have filed a petition in WMP.No.1690 of 2017 seeking to amend the above said prayer as a direction to the respondents 1 and 5 to remove the blockade made in S.F.No.277/5 belonging to the fourth respondent.

3. Learned Government Advocate appearing for the respondents 1 to 3 and 5, by taking instruction from one Mr.K.Saravanan, Deputy Tahsildar, Annur Taluk, Coimbatore, who is present in the Court, submitted that the land in dispute i.e. S.No.277/5 belongs to the fourth respondent/private party.

4. It is settled law that no writ will lie against the private person and therefore, by taking note of such fact, this Court is inclined to dismiss the writ petition and accordingly, the same is dismissed as not maintainable. Consequently, W.P.No.1960 of 2017 (amendment of prayer) seeking a direction to the respondents 1 and 5 to remove the blockade made in S.F.No.277/5 belonging to the fourth respondent/private party is rejected. WMP.No.1070 of 2017 is closed. No Costs.

Sd/-

Assistant Registrar

//True Copy//

rkm

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore.

2.The Block Development Officer,
Sarkarsamakulam Union,
Coimbatore District.

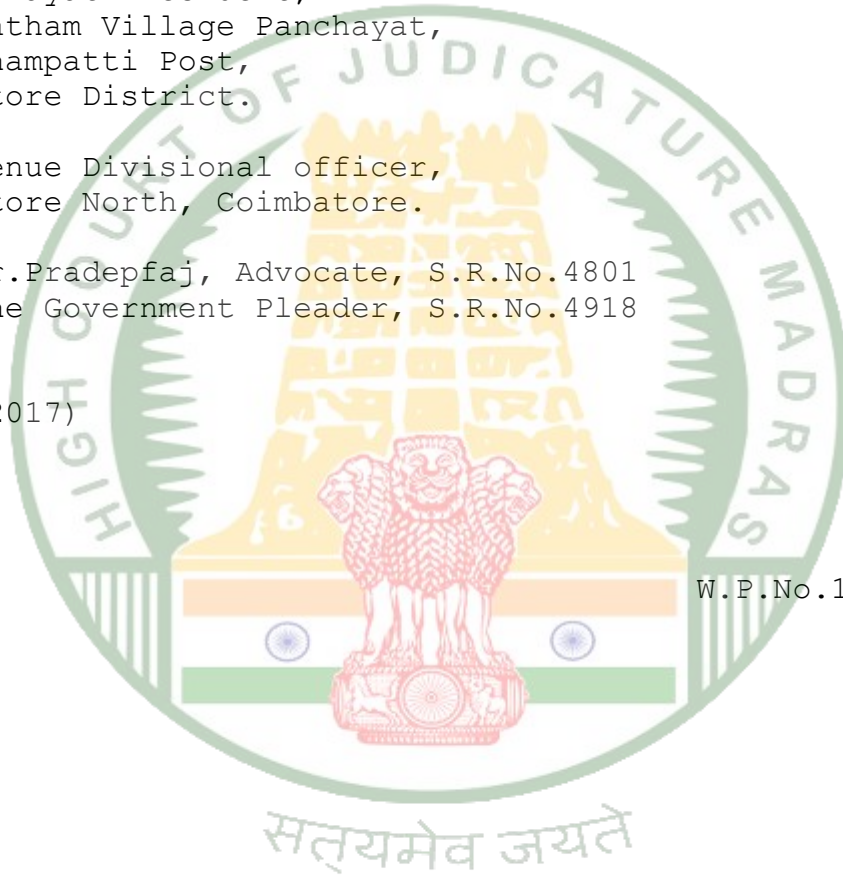
3.The Panchayat President,
Keeranatham Village Panchayat,
Saravanampatti Post,
Coimbatore District.

4.The Revenue Divisional officer,
Coimbatore North, Coimbatore.

+1cc to Mr.Pradepfaj, Advocate, S.R.No.4801

+1cc to the Government Pleader, S.R.No.4918

TM(CO)
RS(08/02/2017)



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