

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.1200 of 2015

A.Le Prince Consal

.. Petitioner

-vs-

1. The Superintendent of Police,
Kancheepuram, Kancheepuram District.

2. The District Collector,
Kancheepuram.

3. D.Sivanathan

4. Mr.Johnson
The President, Kumuzhi Panchayat
Union, Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to take action against the 3rd and 4th respondents based on the Complaint dated 2.8.2014 and to conduct the enquiry and investigate the matter according to law and to file a Final Report within the time stipulated by this Honourable Court.

For Petitioner : M/s.G.Umamaheswari

For Respondents : Mr.T.N.Rajagopalan
Spl.G.P. For RR 1 and 2

: Mr.N.G.R.Prasad
for M/s.Row and Reddy for R-3
: Mr.R.Ravichandran for R-4

* * * * *

O R D E R

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

The petitioner, an advocate by profession, makes a grievance that the land comprised in S.No.196/1 in Mettupalayam

Village, Kumuzhi Panchayat, Kattangulathur Circle, Kanchipuram District, which is classified as canal, is sought to be converted into a road which is not permissible.

2.The fourth respondent / the Panchayat Union has filed an affidavit. Firstly, it is stated that contrary to what is alleged in the petition, the petitioner has not been cultivating the agricultural land owned by him for the last ten years and thus, there is no question of any agricultural activity being affected. The land in S.No.196/1 is stated to be 'varappoocal' which is a sub-canal. The canal is stated to be used as a mud road for the last 40 years and in order to have free flow of water, the deponent had only laid 3 RCC pipes. This was stated to have been so as per the Panchayat approval to facilitate free flow of water from the hill area and for the water to fall in the lake through the pipeline not affecting the petitioner's land. No other person in village is stated to have objected.

3.Learned counsel for the petitioner, however, contends that the factual position at site is contrary.

4.We are of the view that this is really an aspect of private lis which will require determination, if the petitioner so chooses, only by adducing evidence as the stand of the respondent authorities supports what has been done. In fact, the allegation of the learned counsel for the third respondent is that the petitioner is actually carrying on land business.

5.Be that as it may, we are not inclined to issue any direction in the writ petition and the petitioner is relegated to the remedy of civil suit, if so advised.

Writ petition is dismissed. No costs.

s/d-

Assistant Registrar (CCC)

//True Copy//

Sub-Assistant Registrar

sra

To

1. The Superintendent of Police,
Kancheepuram, Kancheepuram District.

2. The District Collector,
Kancheepuram.

+1 CC to M/s. S. Veeraraghavan, Advocate sr 5831
+1 CC to Mr. R. Ravichandran, Advocate sr 5781
+1 CC to Govt. Pleader sr 5654
+1 CC to M/s. Row & Reddy, sr 5866

UG (CO)
sp/9/2

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