

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9334 of 2013
and
M.P.No.1 of 2013

K.R.Periyasamy

.. Petitioner

Vs.

The Commissioner,
Kangayam Municipality,
Kangayam, Tiruppur District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondent from digging bore-well in the petitioner's patta land situated in R.S.No.391, Kangayam Village, Kangayam Taluk, Tiruppur District, unless due process of law.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.K.Harinath Babu

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to forbear the respondent from digging bore-well in the petitioner's patta land situated in R.S.No.391, Kangayam Village, Kangayam Taluk, Tiruppur District, unless due process of law.

2. Since the respondent has not disputed the fact that the land in question is patta land belonging to the petitioner and others, the respondent shall not proceed from digging the bore-well in the patta land situated in R.S.No.391, without following due process of law. As the writ petition is of the year 2013, much water has flown in the matter and neither parties are unable to state as to whether any bore-well has been dug there. It is open for the respondent to proceed to acquire the land in question, if so advised, in accordance with law.

3. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

cs

To

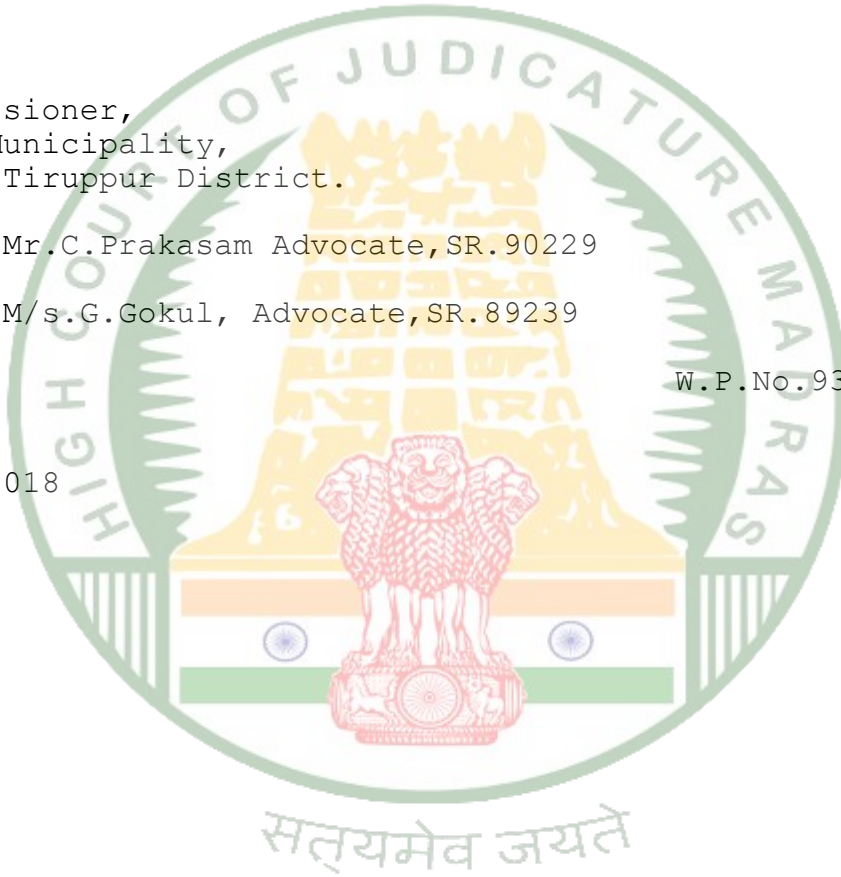
The Commissioner,
Kangayam Municipality,
Kangayam, Tiruppur District.

+ 1 cc to Mr.C.Prakasam Advocate,SR.90229

+ 1 cc to M/s.G.Gokul, Advocate,SR.89239

W.P.No.9334 of 2013

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nr 04/01/2018



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