

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.26305 of 2017

1. Thiru.J.Rajendran
2. Thiru.R.Purushothaman .. Petitioners
- Vs.
1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai-600 009.
2. The District Collector,
Office of the District Collectorate,
Villupuram District,
Villupuram-605 602.
3. The Director of Rural Development
and Panchayat Raj Department,
Office of the Director of Rural Development
and Panchat Raj Department,
Saidapet, Chennai-600 015.
4. The Assistant Director of Rural Development
and Panchayat Raj,
Office of the Assistant Director of Rural
Development and Panchayat Raj,
Villupuram-605 602.
5. The Commissioner and the Block Development Officer,
Office of the Block Development Officer,
Vikravandi Taluk,
Villupuram District-605 602. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to remove the pipelines in the petitioners' agricultural lands bearing R.S.No.137/11, an extent of 1.14 cents and R.S.No.113/10, an extent of 0.036 cents out of 0.14 cents with respect to the petitioners' 1/3 shares situated at Echankuppam Village, Pramadesam Post within the limit of Vikkravandi Panchayat, Villupuram District, immediately or within stipulated period of time in the interest of justice.

For Petitioners : Mr.A.Thamizharasan
For Respondents : Mr.S.Diwakar, Spl.G.P.

ORDER

The petitioner has come forward with above writ petition praying for issuance of a Writ of Mandamus to direct the respondents to remove the pipelines in the petitioners' agricultural lands bearing R.S.No.137/11, an extent of 1.14 cents and R.S.No.113/10, an extent of 0.036 cents out of 0.14 cents with respect to the petitioners' 1/3 shares situated at Echankuppam Village, Pramadesam Post within the limit of Vikkravandi Panchayat, Villupuram District, immediately or within stipulated period of time in the interest of justice.

2. The case of the petitioners is that they are the absolute owners of the agricultural properties in question and that the respondents laid water pipelines on their lands unauthorisedly without any notice and without consent from the petitioners. It is further submitted that objections were given on 06.02.2014 to the fourth respondent, but no action has been taken. The petitioners submitted that the pipelines have got to be removed by the respondents. Hence, the petitioners have filed this Writ Petition for the relief stated supra.

3. The learned Special Government Pleader appearing for the respondents produced written instructions from the fifth respondent. The respondents have not disputed the fact that the petitioners are in possession of the land(s) referred to in the Writ Petition. It is stated in the written instructions that the first petitioner is one of the joint owners of the lands in S.Nos.113/10 and 140/15 and the said lands have been given to Mrs.Jothi, wife of Jayachandran and she bifurcated the lands and sold them. It is further stated in the written instructions that the petitioners are not the owners of the lands where the pipelines are laid and that the pipelines were laid after removal of old pipelines and no pipeline is laid in the lands of the petitioners and that the pipelines had been laid in different place.

4. In reply, it is stated by the learned counsel for the petitioners that there is dispute between the petitioners and one Jothi. It is further stated that Power of Attorney given to the said Jothi to deal with the properties, had been cancelled.

5. Since disputed questions of fact are involved in the Writ Petition and as on date, the petitioners are not the owners of the properties where the pipelines are laid, and the properties had been sold by Jothi to different persons, unless and until the title is established, the petitioners cannot contend that

the pipelines have been laid in the land(s). As the work has been completed, this Court is not inclined to grant the relief sought for by the petitioners. The observations made in this order will not prejudice any of the parties, whose rights have got to be decided only by the appropriate Civil Court before which the matter is pending between the parties. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

CS
To

1. The Secretary to Government,
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Villupuram-605 602.

5. The Commissioner and the Block Development Officer,
Office of the Block Development Officer,
Vikravandi Taluk, Villupuram District-605 602.

+1 cc to Govt Pleader sr 77166
+1 cc to Mr.S.Diwakar Advocate sr 76969
+1 cc to Mr.A.Thamizharasan Advocate sr 76967

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