

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29460 of 2017
and WMP.No.31758 of 2017

K.Chakkrapani

... Petitioner

vs.

The Block Development Officer,
Thirupathur,
Thirupathur Taluk,
Vellore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, forbearing the respondent from laying the road in the patta land of the petitioner situated in S.Nos.355/3, 355/5 and 355/11 to the extent of 0.79.00, 0.49.00, and 0.2.00 Hectares respectively of Bommikupam Village, Thirupathur Taluk, Vellore District without due process of law.

For Petitioner : M/s.S.Dorisamy

For Respondent : Ms.M.Lalitha, G.A.

O R D E R

The petitioner has come up with this Writ Petition, to forbear the respondent from laying road in the patta land of the petitioner situated in S.Nos.355/3, 355/5 and 355/11 to the extent of 0.79.00, 0.49.00, and 0.2.00 Hectares respectively of Bommikupam Village, Thirupathur Taluk, Vellore District without due process of law.

2. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondent produced a sketch showing a road in Bommikuppam Village, Vellore District, and submitted that they have not laid any road on the patta land of the petitioner. As the place in question is kept open, the public is using the said place as pathway for several decades and the respondent has no intention to put up any road on the land belonging to the petitioner.

3. The contention of the respondent that the said patta land is used as pathway, was strongly refuted by the learned counsel for the petitioner. As to whether the patta land of the petitioner is utilised as pathway or not, has got to be decided by the appropriate Civil court and this Court will not go into the disputed questions of facts in the writ petition. Hence, the relief sought for by the petitioner cannot be considered in this writ petition.

4. The learned Government Advocate appearing for the respondent submitted that the respondent has not put up any road in the patta land and they have no intention to put up any road. This submission is recorded.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

pvs

To:

The Block Development Officer,
Thirupathur,
Thirupathur Taluk,
Vellore District.

+lcc to Mr.S.Doraisamy, Advocate Sr.No.89671

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sm:5.1.2018

सत्यमेव जयते

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