

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NOS.2968 AND 2969 OF 2017

A.Shafee Ahamed

... Petitioner
in both WPs'

Versus

1.The District Collector
Cuddalore District, Cuddalore.

2.The Executive Officer
Town Panchayat
Parangipettai,
Bhuvanagiri Taluk.

... Respondents 1 & 2
in both WPs'

PRAYER IN W.P.NO.2968/2017: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to divert the channel opening into the property of the petitioner bearing S.No.430/1 = R.S.No.41/2 in Parangipettai Village, Bhuvanagiri Taluk, Cuddalore District.

PRAYER IN W.P.NO.2969/2017: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to pay compensation under Act 30/2013 for having laid road in 3 cents of the property bearing S.No.430/1 = R.S.No.41/2 in Parangipettai Village, Bhuvanagiri Taluk, Cuddalore District.

For Petitioner (in both WPs')	:	Mr.R.Gururaj
For Respondent-1 (in both WPs')	:	Mr.S.Diwakar Special Government Pleader
For Respondent-2 (in both WPs')	:	Ms.M.Jayashree Government Advocate

COMMON ORDER

As the issues involved in these two writ petitions are overlapping each other, they are taken up together for hearing and a common order is passed.

2. The sum and substance of the grievance of the petitioner is that the land situated in R.S.No.41/2 of Parangipettai Village, is being used as a road and culvert.

3. In the counter affidavit filed, the allegation made by the petitioner is totally denied. Rather, it is a specific case of the respondents that the road and culvert have been laid in R.S.No.42/1 and not in R.S.No.41/2, as alleged by the petitioner. Therefore, according to the respondents, the laying of road has been done in the Government land and not on the private land.

4. This issue can only be resolved by a Civil Court since disputed questions of fact are involved. Incidentally, the relief sought for compensation also cannot be granted. When according to the respondents, there is no road or culvert in R.S.No.41/2 and what is available is in R.S.No.42/1, no relief can be granted.

5. Accordingly, both the writ petitions are dismissed, with liberty to the petitioner to approach the competent Civil Court. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

TK
To

1.The District Collector
Cuddalore District, Cuddalore.

2.The Executive Officer
Town Panchayat
Parangipettai,
Bhuvanagiri Taluk.

+1cc to M/s.R. Gururaj, Advocate Sr. 21517

W.P.NOS.2968 AND 2969 OF 2017

PPA (CO)
VR(24/4/2017)