

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.01.2017
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.15154 of 2013
& M.P.No.1 of 2013

Mr.T.Mohan

.. Petitioner

Versus

- 1.The District Collector, Cuddalore District,
Office of the District Collector,
Cuddalore District, Cuddalore, Tamil Nadu.
2. The Block Development Officer,
Keerapalayam Panchayath Union,
Keerapalayam, Chidambaram.
- 3.The Panchayath President,
Office of the Sakkangudi Village Panchayath,
Sakkangudi Village, Chidambaram Taluk,
Cuddalore District - 608 201.
4. The Thasildar,
Officer of the Thasildar Office,
Chidambaram Taluk,
Chidambaram.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondent from sanctioning or put up any construction on the public road bearing survey No.4/3, Sakkangudi Village, Chidambaram Taluk, Cuddalore District.

For Petitioner : Mr.P.R.Thiruneelakandan
For RR1 & 4 : Mr.S.Diwakar, Spl.G.P
For RR2 : Mr.R.A.S.Senthilvel, AGP
For R3 : Mr.V.Selvaraj, GA

O R D E R

The petitioner has filed this Writ Petition praying to forbear the respondents from sanctioning or putting up any construction on the public road bearing survey No.4/3, Sakkangudi Village, Chidambaram Taluk, Cuddalore District.

2. The learned counsel appearing for the petitioner has submitted that the petitioner has earlier filed W.P.No.11274 of 2016 in respect of S.Nos.4/5 and 4/6, which was dismissed on 04.05.2016, against which, the petitioner filed an appeal, which was also dismissed on 14.12.2016. The petitioner has not placed the order copy of the appeal before this Court.

3. The District Collector, Cuddalore / the first respondent has filed a counter affidavit before this Court, when the matter is taken up for final disposal. The learned Special Government Pleader, in his counter affidavit, has submitted that, this Court, by an order dated 06.06.2013 has granted interim order to maintain the status-quo with respect to the property until further orders. Hence, the construction in Survey No.4/3 had been stopped and construction started in survey Nos.43/4, 43/5, 43/6, 43/7 and 4/5, 4/6 is in progress.

4. The learned Special Government Pleader also brought to the notice of this Court, the Proceedings of the first respondent in V//10724/2016, dated 14.11.2016, wherein leaving the Survey No.4/3, the construction is allowed in other Survey Nos. Therefore, in the light of the above statement of the learned Special Government Pleader, the Writ Petition becomes infructuous.

5. In the circumstances, coming to the aspect regarding the averments made in the counter affidavit filed by the respondent in para 6, it is very clear that the prayer in the Writ Petition is only with respect to the Survey No. 4/3, insofar as the aforesaid survey is concerned, the respondents have stopped the construction. Construction is proceeded only in the survey Nos.43/4, 43/5, 43/6, 43/7 and 4/5, 4/6. Therefore, the Writ Petition is dismissed as having become infructuous. Liberty is granted to the petitioner, if he is aggrieved, he can work out his remedy in appropriate forum as permissible under law. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs

To

- 1.The District Collector, Cuddalore District,
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Cuddalore District, Cuddalore, Tamil Nadu.
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Keerapalayam, Chidambaram.
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4. The Thasildar,
Officer of the Thasildar Office,
Chidambaram Taluk,
Chidambaram.

+1 cc to Government Pleader High Court sr 6236
+1 cc to M/s.P.R.Thiruneelakandan Advocate sr 5610

WP.NO.15154 of 2013
& MP.No.1 of 2013

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