

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25503 of 2004

Sundaram Fasteners Investments Ltd.,
rep. by its Power of Attorney,
Rajesh N.Dave,
201/C-34, Second Avenue,
11th Main Road, Anna Nagar,
Chennai 600 040.

... Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The President,
Muttukadu Village Panchayat,
Tiruporur Panchayat Union,
34, Egattur, Old Mahabalipuram Road,
Kancheepuram District.
3. The Inspector of Police,
Neelankarai Police Station,
Chennai 600 041.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents from obstructing the petitioner from reaching his lands in Survey Nos.98/5 and 112/3 by using the road laid in Survey No.97/3 and 113/1, Rajiv Gandhi Third Street, pursuant to the resolutions dated 16.02.2002 and 11.08.2004 of the 2nd respondent.

For Petitioner : Mr.N.Sivabharathi
for Mr.M.Suresh Kumar

For 1st Respondent : Mr.Akhil Akbar Ali,
Government Advocate

For 2nd Respondent : Mr.R.Saravanakumar

O R D E R

The petitioner has come up with this Writ Petition seeking to forbear the respondents from obstructing him reaching his lands in Survey Nos.98/5 and 112/3 by using the road laid in Survey Nos.97/3 and 113/1, Rajiv Gandhi Third Street, pursuant to the resolutions dated 16.02.2002 and 11.08.2004 of the 2nd respondent.

2. Today, when the matter is taken up for hearing, learned counsel for the petitioner pointed out that the issue in question is covered by the order dated 11.10.2002 passed by this Court in W.P.No.34188 of 2002. For better understanding, the relief sought in that Writ Petition is extracted hereunder:

"2. Placing reliance on the resolution of the fifth respondent dated 16.02.2002 to the effect that the fourth and fifth respondents/Panchayat has granted permission to lay road leading to Rajiv Gandhi, 3rd Street, in Survey No.97/3, Muttukadu Village, the petitioner seeks a Writ of Mandamus to direct the respondents 1 and 2 to hand over the proposed area meant for 30 feet approach road along Rajiv Gandhi, 3rd Street, in the Revenue land in Survey No.97/3, Muttukadu Village to the fifth respondent for the purpose of laying the 30 feet road and its maintenance thereof.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. On a perusal of the entire records, this Court is of the view that the relief sought by the petitioner herein cannot be maintained at this stage, as the prayer in the present Writ Petition is entirely different from the prayer sought in W.P.No.34188 of 2002. The only remedy available to the petitioner is to approach the Civil Court.

5. Hence, this Writ Petition is dismissed with liberty to the petitioner to approach the Civil Court. No costs. Consequently, connected W.P.M.P.Nos.30990 & 30991 of 2004,

W.P.M.P.Nos. 32945 & 32946 of 2004, W.V.M.P.Nos.1746 & 1747 of 2004, W.P.M.P.No.23573 of 2005 and W.V.M.P.No.1413 of 2005 are closed.

Sd/-
Assistant Registrar(CS VI)

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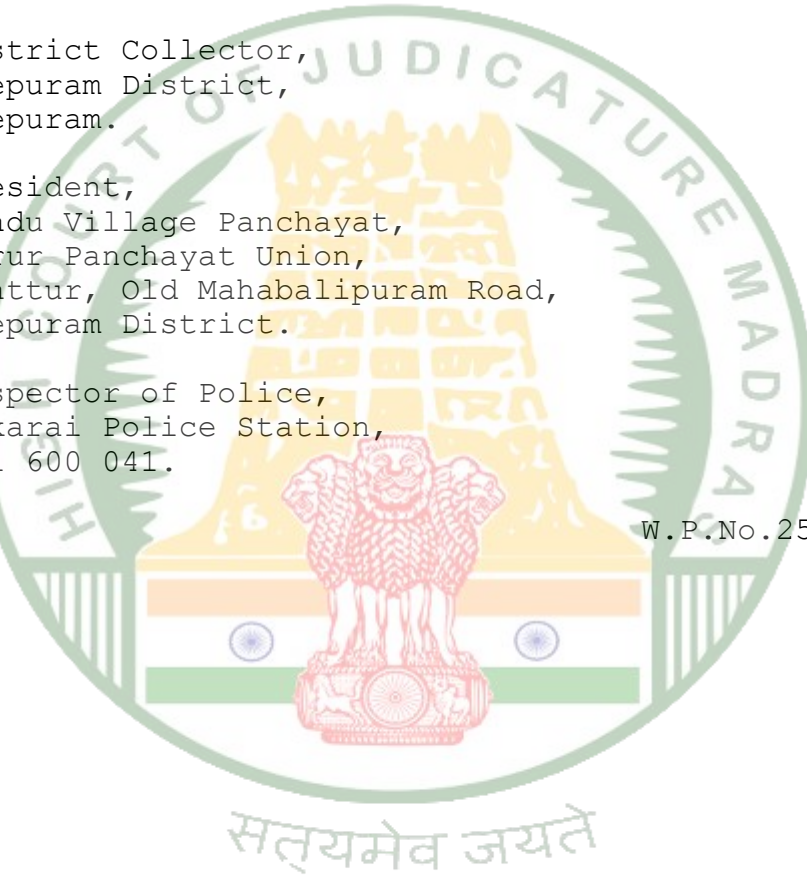
Sub Assistant Registrar

To:

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The President,
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KJ(CO)
CS/11/08/17



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