



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

WEB COPY

W.P(MD)No.3055 of 2017

Chinnathal

.. Petitioner

Vs.

1. The District Collector,  
Pudukkottai District.

2. The Revenue Divisional Officer,  
Iluppur Post & Taluk,  
Pudukkottai District.

3. The Tahsildar,  
Viralimalai Taluk,  
Pudukkottai District.

4. The Block Development Officer,  
Office of the Panchayat Union,  
Viralimalai, Pudukkottai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's patta land S.F.No.223/12c punjai 1.23.0 hectares of Kodumbalur Village, Viralimalai Taluk, Pudukkottai District.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents 1 to 3: Mr.K.Guru,

Additional Government Pleader.

For Respondent No.4 : Mr.M.Rajarajan

### ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents not to disturb peaceful possession and enjoyment of patta land of the petitioner comprised in S.F.No.223/12c measuring 1.23.0 Hectares, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that under the guise of laying road, the respondents are making arrangements to disturb peaceful possession



and enjoyment of the petitioner in S.F.No.223/12c and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. In the counter filed on the side of the third respondent it is clearly stated that the respondents have made attempt to lay road in S.F.No.223/10 and the respondents are not making any arrangement to lay road in S.F.No.223/12c.

4. Considering the nature of the relief sought in the writ petition and also the averments made in the counter filed by the third respondent, this Court is of the view that attempt has not been made to lay a road in S.F.No.223/12c. Further it is seen from the counter that the respondents have made all arrangements to lay road only in S.F.No.223/10. Since the respondents are not making any arrangement to lay a portion of road in S.F.No.223/12c, this Court feels that the present writ petition is totally unwarranted and therefore the same deserves to be dismissed.

5. In fine, this writ petition is dismissed without costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Pudukkottai District.
2. The Revenue Divisional Officer,  
Iluppur Post & Taluk,  
Pudukkottai District.
3. The Tahsildar,  
Viralimalai Taluk,  
Pudukkottai District.
4. The Block Development Officer,  
Office of the Panchayat Union,  
Viralimalai, Pudukkottai District.

+1cc to Mr.P.Ganapathi Subramanian, Advocate SR.No.62999

+1cc to The Spl. Government Pleader SR.No.62865

SMN

VB/JC/SAR4/06.07.2017/2P/7C