



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.6686 of 2017

S.Arockiadass

... Petitioner

Vs.

1. The District Collector,
Trichy District.

2. The Tahsildar,
Srirangam,
Trichy District.

3. The Assistant Commissioner,
Municipal Corporation,
Trichy.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents in any manner depriving the right of the petitioner's house and vacant site property in T.S.No.2033/2, Veereswaram, Kalmettu Street, Srirangam, Trichy without due process of law based on the petitioner's representation dated 03.04.2017.

For Petitioner	: Mr.C.K.M.Appaji
For Respondents	: Mr.J.Gunaseelan Muthiah, Government Advocate.

O R D E R

This writ petition has been filed, seeking a Writ of Mandamus, forbearing the respondents in any manner depriving the right of the petitioner's house and vacant site property, based on the petitioner's representation dated 03.04.2017.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that the property in question originally belonged to his ancestor. While so, the respondents without any notice, on 30.03.2017, orally instructed him to destruct the compound wall. The respondent has no right to obstruct the public pathway or compel the petitioner to demolish the compound wall. Therefore, the petitioner submitted a representation



to the first respondent on 03.04.2017 seeking to protect the petitioner's right over the property.

4. The learned Counsel for the respondents has submitted that the averments made in the affidavit are totally false and the present writ petition has been filed in a vexatious manner. In support of his submission, the learned Counsel for the respondents has drawn the attention of this Court to the counter affidavit filed by the second respondent, wherein, in Paragraph No.6, it has been stated as follows:

"It is submitted that the allegations in Para 4 of the Affidavit are all imaginary and speculative. The specific allegation that the respondents 2 & 3 have acted high-handedly is stoutly denied as false and frivolous. There is no necessity or occasion for the same."

5. In view of the above statement made by the second respondent in the counter affidavit, this writ petition is closed. No costs.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy District.
2. The Tahsildar,
Srirangam,
Trichy District.
3. The Assistant Commissioner,
Municipal Corporation,
Trichy.

+ 1 CC TO Mr.C.K.M.APPAJI, ADVOCATE IN SR No. 86982

RM

TE/KP/SAR-4 : 24/11/2017 : 2P/5C

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