



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.01.2017
CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.7791 of 2011

And

MP(MD) NO.1 of 2011

Chranjeevi Wind Energy (P) Ltd.,
through its Manager
M.Ananthan

... Petitioner

-vs-

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Executive Officer,
Aralvaimozhi Town Panchayat,
Aralvaimozhi,
Kanyakumari District.

3.The Executive Engineer,
Public Works Department,
Kothaiyaru - Water Resources
Organisation Division,
Nagercoil, Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from laying road on the petitioners land comprised in S.No.95/2 and 3 Aralvaimozhi Village, Thovalai Taluk, Kanyakumari District and further direct the respondents 1 to 3 not to put up any constructions reducing the capacity of Patturaikoil Channel runs at Aralvaimozhi Village, Thovalai Taluk, Kanyakumari District and restore the same in its original position.

For Petitioner : Mr.H.Arumugam

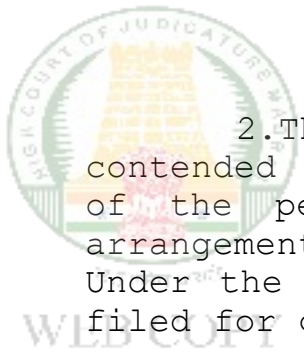
For RR - 1 & 3 : Mr.D.Muruganandam
Additional Government Pleader

For R - 2 : Mr.K.Mahendran

O R D E R

[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 issue a Writ of Mandamus so as to direct the respondents from laying road in Survey Nos.95/2 and 3 Aralvaimozhi Village, Thovalai Taluk, Kanyakumari District.



2.The learned counsel appearing for the petitioner has contended that Survey Nos.95/2 and 3 are the absolute properties of the petitioner, wherein the respondents have been making arrangements to lay road for the purpose of making out a lay out. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.On the basis of the relief sought in the Writ Petition, the respondents have been directed to ascertain the nature and classification of Survey Nos.95/2 and 3.

4.The learned Additional Government Pleader appearing for the respondents 1 and 3 has fairly conceded that Survey Nos.95/2 and 3 have been classified as ryotwari punja and the same belonged to the petitioner.

5.Since Survey Nos.95/2 and 3 belonged to the petitioner, the respondents are not having any authority to form a road in any portion of the same. Under the said circumstances, the relief sought in the petition can be granted.

6.In fine, this Writ Petition is allowed without cost. The respondents are strictly directed not to form road in Survey Nos.95/2 and 3. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Executive Engineer,
Public Works Department,
Kothaiyaru - Water Resources
Organisation Division,
Nagercoil, Kanyakumari District.

+1cc to M/s H.Arumugam,Advocate,sr no 3459
+1cc to Special Government Pleader,sr no 3373

mj

ms/pm.pn/2.2.2017/2p.5c