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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition (MD) No.3701 of 2013

and

M.P (MD) No.1 of 2013

K.Jeyakumar

... Petitioner

Vs.

1.The District Collector,
Dindigul, Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Manager,
Reliance Information Company,
Administration Section,
Greenways Road,
Chennai 28.

4.P.Rengasamy

5.Sumathi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to provide compensation to the petitioner and other residents for damages which was caused by respondents 3 and 4 within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.A.D.Ganesamoorthi

For Respondents 1&2

: Mr.Aayiram K.Selvakumar,
Government Advocate.

For 4th Respondent

: Mr.R.Maheswaran

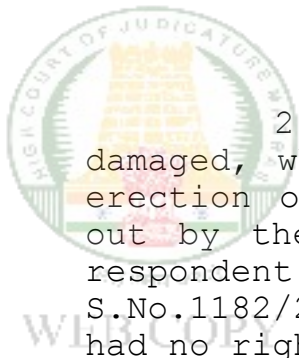
For 5th Respondent

: No appearance

ORDER

The prayer in the writ petition is as follows:-

"The writ petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to provide compensation to the petitioner and other residents for damages which was caused by respondents 3 and 4 within the time limit that may be stipulated by this Court."



2.It is claimed by the petitioner that his house was damaged, when the third respondent engaged in blasting of rock for erection of cell phone tower in Survey No.1182/1 which was leased out by the fourth respondent for erection of tower to the third respondent. The petitioner would also claim that the land in S.No.1182/2 is a poramboke land and as such, the fourth respondent had no right to lease out the same to the third respondent.

3.Be that as it may, the claim of the petitioner is that because of the blasting done by the third respondent his house has been affected. The said claim is strenuously denied by the fourth respondent and the official respondents. The petitioner would rely upon the resolution passed in the peace committee meeting held on 05.09.2007 in the presence of the second respondent. The said resolution do not in any manner help the petitioner. Neither the third respondent nor the fourth respondent could be called a state within the meaning of Article 12 of the Constitution of India. This is strictly a private dispute. If at all, the petitioner's house or any property had been damaged by any blasting undertaken by the third respondent, it is open to the petitioner to work out his rights in the manner known to law. Accordingly, the writ petition stands dismissed. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Dindigul, Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

+1 CC TO SPECIAL GOVERNMENT PLEADER, SR NO.14410
+1 CC TO MR.SRIDHAR, ADVOCATE, SR NO.14455
+1 CC TO MR.G.PRABHU RAJADURAI, ADVOCATE, SR NO.14146
+1 CC TO MR.A.D.GANESHAMOORTHY, ADVOCATE, SR NO.13962

SMS

MAS/SKN-RSK:24.03.2017:2P-7C

Writ Petition (MD) No.3701 of 2013
and
M.P (MD) No.1 of 2013
10.03.2017