

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.22189 of 2012

S.Kamarajan

.. Petitioner

Vs.

1.The Commissioner,
Vriddhachalam Municipality,
Vriddhachalm.

2.Venkatesan Pillai

.. Respondents

(R-2 impleaded as per order dated 08.12.2016
in M.P.No.1 of 2014 in W.P.No.22189 of 2012)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to act in accordance with Sections 178 and 179 of the Tamil Nadu District Municipalities Act, 1920 and lay a metalled road linking CNC Nagar and Palani Murugan Nagar.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.P.Pratap Singh for R1

सत्यमेव जयते
Mr.D.Shivakumaran for R2

O R D E R

Heard Mr.V.Raghavachari, learned counsel for the petitioner; Mr.R.P.Pratap Singh, learned counsel for the first respondent; Mr.D.Shivakumaran, learned counsel for the second respondent and perused the materials available on record.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the first respondent to act in accordance with Sections 178 and 179 of the Tamil Nadu District Municipalities Act, 1920, by laying a metalled road linking CNC Nagar and Palani Murugan Nagar.

3. In the counter filed by the first respondent / Commissioner, Vriddhachalam Municipality, it is stated that the alleged road for which, the petitioner is seeking permanent metal road is not a public road and it is a private property.

4. The learned Standing Counsel for the first respondent and the learned counsel for the second respondent would state that the petitioner is a resident of Palani Murugan Nagar and he and his neighbours were temporarily using Plot No.6 in the approved lay out to reach CNC Nagar. It is further stated that the petitioner is having access on the west of their property, but they did not use as they have constructed a compound wall dividing Palani Murugan Nagar and Sai Ram Nagar. It is also stated that a similar request made by one of the residents viz., R.Karthikeyan, S/o. Rajarathinasamy Chettiar was considered by the Revenue Divisional Officer and by an order dated 29.05.2014, his request was rejected on the only ground that it is not a public road and he sought to lay a road in Plot No.6, which was temporarily used as pathway.

5. The petitioner is not in a position to establish that the alleged linking road of CNC Nagar and Palani Murugan Nagar is a public road and on the other hand, it is established by the respondents that the petitioner and his neighbours were using plot No.6 in the approved land as temporary road.

6. In the light of the above fact, the prayer sought for in the Writ Petition cannot be granted. The Writ Petition fails and the same is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

r n s

To

The Commissioner,
Vriddhachalam Municipality,
Vriddhachalm.

+lcc to Mr.R.P.Prathap Singh, Advocate, S.R.No.75060

W.P. No.22189 of 2012

CA(CO)
GSP(28/11/2018)