

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9630 of 2018
and
WMP.NOS.11551,11552/2018

P.Duraisami .. Petitioner

-vs-

1. The District Collector
Salem District Collectorate
Salem
2. The Tahsildar
Mettur Tahsildar Office
Mettur, Salem District
3. The Block Development Officer
Kolathur Post, Mecheri
Mettur Taluk
Salem 636 453
4. The Head Master
Panjayath Union Primary School
Melaparaiyur Colony
Alamarathupatti Village
Kolathur Taluk
Salem District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the representation sent by the petitioner dated on 20.03.2018.

For Petitioner :: Mr.B.Karthik Narayanan

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

Mr.P.Duraisami, claiming to be the pattadhar of the property covered in Survey No.1022/1 situated in Melaparaiyur, Alamarathupatti Village, Mettur Taluk, Salem District, has come

to this Court seeking a mandamus to the respondents to stop the construction work in the said survey number on the basis of his representation dated 20.3.2018.

2. Learned counsel for the petitioner submitted that when the petitioner was issued with a patta on 10.2.83, the Tahsildar and the Revenue Divisional Officer of Mettur Taluk have started putting up construction for the Panchayat Union Primary School in his patta land. The petitioner is an illiterate. However, he has shown his objection. But they did not stop the construction in his patta land. Now they are going to cover up the building with a compound wall including his hut and the petitioner will not be in a position to either come out or go inside his hut if the school is closed with the compound wall. In this regard, he has given a representation on 20.3.2018 to the Tahsildar, Mettur Taluk to stop the digging work to put up the compound wall with the erection of pillars on his land. The said representation given to the Tahsildar and others have not been taken note of. Therefore, a mandamus should be issued to the respondents to stop the construction work.

3. As the petitioner has espoused a civil dispute, the question whether the respondents are putting up construction for the Panchayat Union Primary School on his patta land should be considered by the competent civil Court. Therefore, the petitioner has to approach only the civil Court for appropriate relief and the writ petition cannot be entertained. Accordingly, this writ petition is dismissed. Consequently, W.M.P.Nos.11551 & 11552 of 2018 are also dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

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सत्यमेव जयते
Sub Assistant Registrar

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To

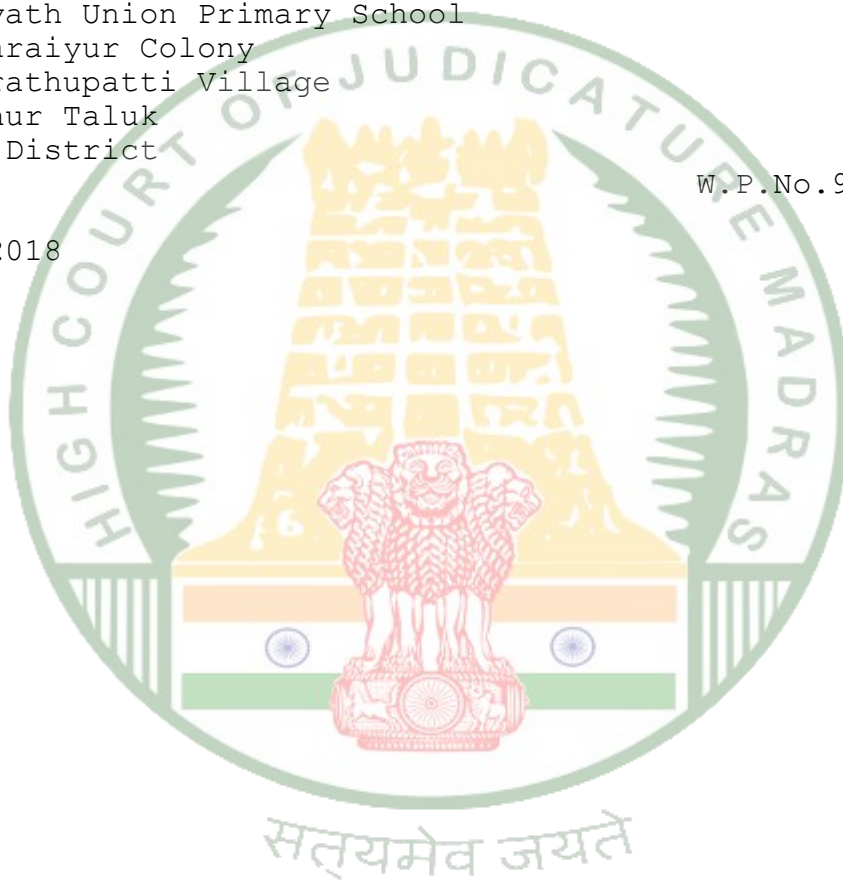
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NR 16/05/2018



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