

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10704 of 2018

S.Semmalayappan

...Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Commissioner of Land and Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The Revenue Divisional Officer,
Sangagiri, Salem District, Salem.

4.The Tahsildar,
Edappady Division,
Salem District, Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to provide land for roadway for private patta land from the Government poramboke land for the purpose of transportation of agricultural products and others in the light of the petitioner's representation dated 21.11.2017 and communication of the 1st respondent in letter Na.Ka.No.35981/2017/ ke3 dated 05.01.2018.

For Petitioner : Mr.S.Shinu

For Respondents: Mr.S.N.Parthasarathi,
Government Advocate

O R D E R

The Writ Petition has been filed seeking for a direction to the respondents to provide land for roadway for private patta land from the Government poramboke land for the purpose of transportation of agricultural products and others in the light of the petitioner's representation dated 21.11.2017 and communication of the 1st respondent in letter Na.Ka.No.35981/2017/ ke3 dated 05.01.2018.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land covered in Survey Nos.461/1A, 1B and 1C situated at Kooranampatti

Village, Edappady Division, Salem District. The said land, which is the ancestral property, absolutely belongs to the petitioner's family. The same was also partitioned among the family members and the Partition Deed was also registered as Doc.No.3587 of 2014 in Book No.1 in the office of the Sub Registrar, Edappady, Salem District. When the petitioner and his family members, who are engaged in agricultural activities, are using the Government poramboke land around their property for transportation of agricultural products, all of a sudden, the Government poramboke lands in Survey No.457 & 458 had been acquired by SIDCO for industrial purpose and also had put up fence. This had caused great difficulty for the petitioner and his family members to transport the agricultural products to his property.

3.In this regard, the petitioner had given a representation on 14.11.2017 to the respondents to take necessary action to provide land for reaching the petitioner's patta land and for transportation of agricultural products to his place. But till date no action has been taken.

4.The learned counsel for the petitioner has submitted that after receiving the petitioner's representation, the 2nd respondent had sent a letter informing that the representation has been forwarded to the 1st respondent for necessary action. Thereafter, the 1st respondent had also informed that the same had been forwarded to the 4th respondent for conducting enquiry and for taking necessary steps.

5.The learned Government Advocate appearing for the respondents submitted that the petitioner has got grievance with regard to denial of easmentary rights and hence, the petitioner has to work out his remedy before the appropriate forum.

6.This Court finds some merits in the submission made by the learned Government Advocate. The petitioner's land in Survey Nos.461/1A, 1B and 1C has been surrounded by the Government land, which has been subsequently acquired by SIDCO. In such view of the matter, the petitioner has to approach the Civil Court to work out his legal remedy. Leaving that course of action, the petitioner cannot come to this Court under Article 226 of the Constitution. Hence, the Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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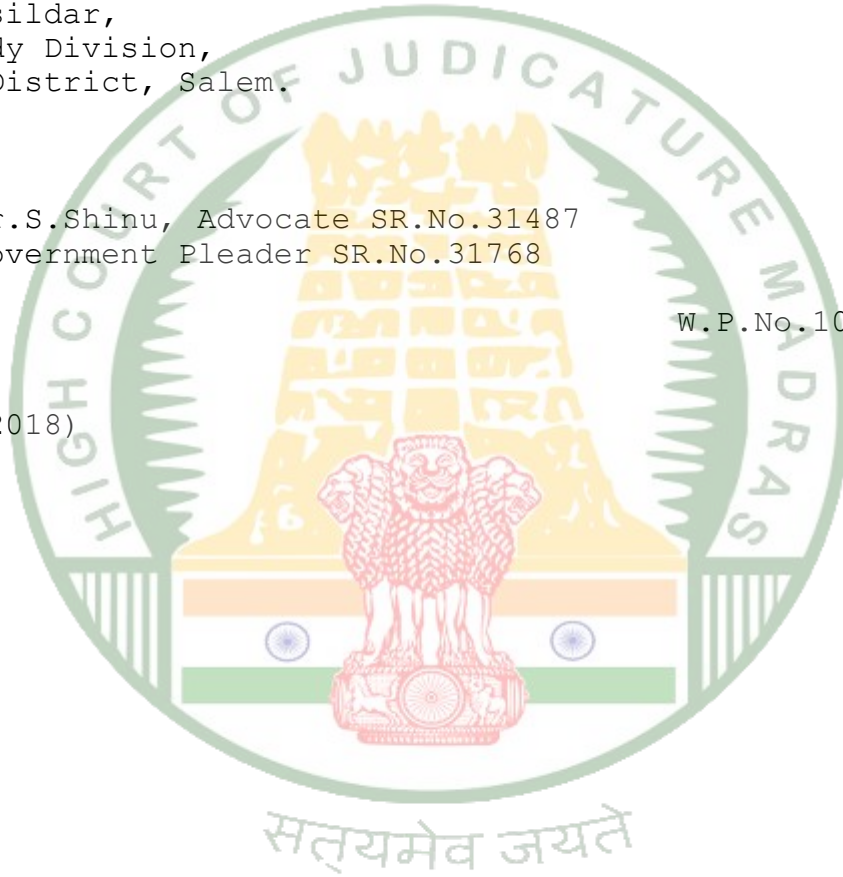
To

- 1.The District Collector,
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- 3.The Revenue Divisional Officer,
Sangagiri, Salem District, Salem.
- 4.The Tahsildar,
Edappady Division,
Salem District, Salem.

+1cc to Mr.S.Shinu, Advocate SR.No.31487
+1cc to Government Pleader SR.No.31768

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KAN(CO)
GN(15/05/2018)



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