

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21680 of 2014

and

M.P.No.1 of 2014

Natesan

..Petitioner

Vs

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

3.The Commissioner,
Tiruchengode Municipality,
Tiruchengode
Namakkal District.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, forbearing the respondents, their subordinates and agents from in any manner laying tar road or carrying out any work in the private land belong to the petitioner comprised in S.No.46/2, Sengodampalayam Village, Tiruchengode Taluk, Namakkal District either by changing the classification or by transferring the same or by any other manner.

For Petitioner : M/s.P.Mani

For Respondents: Mr.J.Ramesh, GA for R1 & R2

Mr.S.Saravanan for R3

O R D E R

The relief sought for in this writ petition is to forbear the respondents, their subordinates and agents from in any manner laying tar road or carrying out any work in the private land belong to the petitioner comprised in S.No.46/2,

Sengodampalayam Village, Tiruchengode Taluk, Namakkal District either by changing the classification or by transferring the same or by any other manner.

2.This Court is of an opinion that classification of land or otherwise is to be done in accordance with the law. However, it is brought to the notice of this Court that the respondents have not taken any steps to lay tar road in S.No.46/2 and no proposal was initiated to change the classification of the said land. The learned counsel for the petitioner states that it is a patta land. However, the rights of the parties are subject to the provisions of law and its enforcement. Therefore, it is not as if by virtue of a direction, a person can retain a particular land or not.

3.In view of the fact that the writ petitioner has not established any cause of action for the purpose of seeking the relief as such sought for in this writ petition and in view of the fact that the 2nd respondent also has stated in the counter affidavit that there is no proposal to lay tar road, no further adjudication is required in this writ petition.

4.Accordingly, the writ petition stands closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

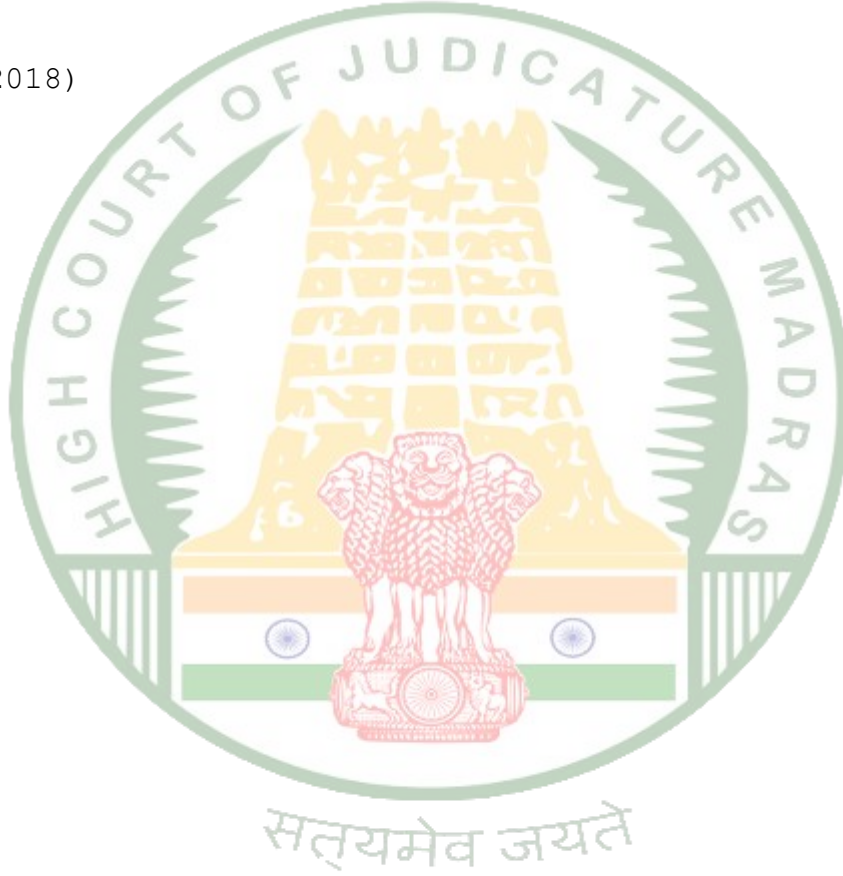
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3.The Commissioner,
Tiruchengode Municipality,
Tiruchengode
Namakkal District.

+1cc to the Government Pleader, S.R.No.28884
+1cc to Mr.S.SARAVANAN Advocate, S.R.No.28677
+1cc to Mr.P.MANI Advocate, S.R.No. 28617

W.P.No.21680 of 2014

SS (CO)
TR(02/05/2018)



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