

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.9858 of 2012

G.Vaidyanathan

.. Petitioner

Versus

1. The Collector of Cuddalore District,
Cuddalore.

2. The Superintendent of Police,
Cuddalore District,
Cuddalore

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass orders of the petitioner's representation dated 07.03.2012.

For Petitioner :: Mr.R.Gururaj

For Respondents :: Mrs.Sri Jayanthi
Spl.Govt.Pleader

ORDER

This Writ Petition has been filed, seeking a direction in the nature of Mandamus to consider the petitioner's representation dated 07.03.2012.

2. Heard both sides.

3. During the course of hearing, the learned counsel for the petitioner stated that they had given change of vakalat. But however taking into consideration, the nature of the writ and the factual aspects which had been raised in the Writ Petition, final order is passed in the Writ Petition without issuing notice to the Writ Petitioner.

4. The first respondent is the Collector of Cuddalore District and the second respondent is the Superintendent of Police, Cuddalore District.

5. In the affidavit filed in support of the Writ Petition, the petitioner has stated that he is absolute owner of the properties in New Survey No.1, Old Survey No.1-AC measuring 0.93 in C.N.Palayam Village (Chennappanaickenpalayam) Cuddalore Taluk. He came to purchase the same property by sale deed dated 12.12.1988. The lands are agricultural lands. It is stated that the Adidravida Colony in their village is about 2 kilometres away from the property. The petitioner had stated that the members of the said colony had tried to encroach upon in the property. The petitioner had therefore given a representation dated 07.03.2012 to the respondents. He had complained that the members of the general public including Adidravida colony are attempting to disturb the peaceful possession.

6. Counter had been filed by the second respondent. It had been stated that the petitioner is not the sole absolute owner of the properties. It is specifically stated that the said averment is false. It is stated that the Adidravida colony has a burning ghat for their own purpose. The averments in the affidavit regarding attempt of encroachment into the property, has also been denied.

7. In view of the fact that the petitioner has come to the Court to take the advantage of some order to regularize illegal occupation of the writ petitioner, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nvi

To

1. The Collector,
Cuddalore District,
Cuddalore.

2. The Superintendent of Police,
Cuddalore District,
Cuddalore

+1cc to the Government Pleader, S.R.No.79205

W.P.No.9858 of 2012

SAI (CO)
SSM(05/12/2018)