

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.15715 of 2014

and

M.P.No.1 of 2014

Mrs.Kuppammal

...Petitioner

Vs.

- 1.The District Collector
Thiruvannamalai
Thiruvannamalai District.
- 2.The Revenue Divisional Officer
Office of RDO, Thiruvannamalai District.
- 3.The Tahsildar
Chengam Taluk
Thiruvannamalai District.
- 4.The Block Development Officer
Puthupalayam Panchayat Union
Thiruvannamalai District.
- 5.The President cum Executive Authority
C.Gengampattu Panchayat
Japthikarianthal Post
Chengam Taluk
Thiruvannamalai District.

... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 4 and 5 from implementing any work order under the provisions of the Tamil Nadu Panchayat Act 1994 or under the scheme of MGNREGA in petitioner's patta land in S.NO.123/1 to an extent of 6 acres and 99 1/2 cents in C.Gengampattu Village, Chengam Taluk, Thiruvannamalai District.

For Petitioner : Mr.S.Arokia Maniraj

For Respondents : Mrs.A.Sri Jayanthi [For R1 to R4]
Special Government Pleader
No appearance [For R5]

O R D E R

The relief sought for in this writ petition is to forbear respondents 4 and 5 from implementing any work order under the provisions of the Tamil Nadu Panchayat Act 1994 or under the scheme of MGNREGA in petitioner's patta land in S.NO.123/1 to an extent of 6 acres and 99 1/2 cents in C.Gengampattu Village, Chengam Taluk, Thiruvannamalai District.

2.The learned counsel for the petitioner states that the respondents are initiating steps to interfere with the property belongs to the petitioner. The petitioner states that he owns the property in Thiruvannamalai district, C.Gengampattu Village, Chengam Taluk, comprised in S.NO.123/1 to an extent of 6 acres and 99 1/2 cents. The land is a cultivating land and the revenue records including Patta, Chitta and Adangal stands in the name of the writ petitioner.

3.The grievances of the writ petitioner is that all of a sudden respondents 4 and 5 illegally formed a public canal as if the same land is a Government land. This court in order to ascertain the factual position directed 5th respondent to be present.

4.Thiru.Abdul Gaffar, Deputy Block Development Officer, Pudupalayam, who is present before this court along with the file, clarified that the petitioner is residing in Government allotted house, which was constructed under the Kalaingar Veedu Vazhangum Thittam in the year 2010-2011. Even the house in which the petitioner resides was allotted by the respondents. This apart, the locations set out in the writ petition is absolutely incorrect and the proposed development of the land is unconnected with the petitioner at all. The land belongs to the petitioner is no way connected with the panchayat. Further, respondents 4 and 5 are not interfering with the property belongs to the writ petitioner. The developments are made only in the Government land and therefore, the very reason set out in the writ petition are incorrect and the respondents are not at all interfering with the land belongs to the petitioner.

5.This being the clarification now presented before this court in support of the file, this court is of an opinion that the writ petitioner has not made out any cause of action for the purpose of grant of any relief as such sought for in this writ petition. Even otherwise as such to forbear the respondents 4 and 5 from implementing any work under the provisions of the Tamil nadu Panchayat Act, 1994 itself is not maintainable. Such a general prayer sought for cannot be granted. In the absence of any specific instance, wherein the rights of the writ petitioner has been infringed. In the present writ petition the writ

petitioner has not established any infringement of his legal right. Thus, such a relief cannot be granted. This apart, in respect of certain property right, no writ petition can be entertained under Article 226 of the Constitution of India. This being the factum of the case, the writ petitioner has miserably failed to establish even a semblance of rights so as to consider the relief as such sought for in this writ petition.

6. Accordingly, this writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

may

To

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3. The Tahsildar
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4. The Block Development Officer
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Thiruvannamalai District.

+1cc to the Government Pleader, S.R.No.32843

W.P.No.15715 of 2014

EV(CO)
CS/04/06/18

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