

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 4216 of 2013

and

W.M.P. 1 of 2013

C.K.Rajan

... Petitioner

Vs

1. The Commissioner,
Perambalur Municipality,
Perambalur.

2. N. Karupannan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 1st Respondent from interfering with petitioner's peaceful possession and enjoyment of the land situated in Survey No.482/1 of Perambalur Village and District measuring an extent of 27.1/3 cents except under due process of law.

For Petitioner : Mr.R.Govindaraj

For Respondents : Mr.P.Srinivas,
Standing Counsel for R-1

Mr.T.Seenivasan,
Counsel for R-2

O R D E R

1. The present Writ Petition has been filed forbearing the 1st respondent Municipality from interfering with the petitioner's peaceful possession and enjoyment of the land in Survey No.482/1 of Perambalur Village.

2. According to the petitioner, the petitioner is the owner of the land to an extent of 27 1/3rd cents in Survey No.482/1 in Perambalur Village, subsequently the 2nd respondent has purchased some extent of land in the same survey number. Thereafter, the 2nd respondent has filed a suit against the petitioner in O.S.No.455 of 2005, on the file of District Munsif Court, Perambalur seeking the right of pathway to reach his land through the petitioner's land from the Perambalur-

Trichy road. While the suit is pending, now the 1st respondent Municipality wants to lay the road over the petitioner's land. Hence, the petitioner also sent a representation to the authority not to lay the road in the petitioner's land without following the due process of law. Despite of representation, the 1st respondent is taking steps to lay the road. Hence, the present Writ Petition has been filed.

3. I have heard the rival submissions made by Mr.R.Govindaraj, learned counsel for the petitioner as well as Mr.P.Srinivas, Standing Counsel appearing for the 1st respondent and Mr.T.Seenivasan, learned counsel for 2nd Respondent.

4. Today, Mr.P.Srinivas, learned counsel appearing for the 1st respondent submitted that the 1st respondent Municipality is not proposed to lay any road in the petitioner's land and it is only an apprehension of the petitioner.

5. On considering the fact that as of now, the 1st respondent is not intending to form any road in the petitioner's land, the prayer sought for in the Writ Petition cannot be granted at this stage.

6. In view of the same, the present writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

rpp

To

The Commissioner,
Perambalur Municipality,
Perambalur.

+1cc to Mr.R. Govindaraj, Advocate SR.No.56727

+1cc to Mr.T. Seenivasan, Advocate SR.No.56759

+1cc to Mr.P. Srinivas, Advocate SR.No.57183

W.P. 4216 of 2013

and

W.M.P. 1 of 2013

GMV (07/09/2018)

<https://hcservices.ecourts.gov.in/hcservices/>