

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.16075 of 2014

and

M.P.No. 1 of 2014

M.Veeran

...Petitioner

Vs.

1.The District Collector
Erode District, Erode.

2.Revenue Divisional Officer
Gobichettipalayam
Erode District.

3.The Village President
Nagalur Village Panchayat
Anthiyur Taluk, Erode District.

... Respondents

Prayer Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the first respondent to take appropriate action on the petitioner representation dated 29.05.2014.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.A.Sri Jayanthi [For R1 & R2]
Special Government Pleader
Mr.R.A.S.Senthilvel [For R3]

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to take appropriate action on the petitioner's representation dated 29.05.2014 is enclosed in page No.9 of the typed set of papers filed along with the writ petition.

2.On a perusal of the entire contents and the allegations set out in the said writ petition, this court is of an opinion that the writ petitioner is claiming a property right and a complaint is made that his property has been designated as a public path way.

3.The grievances of the writ petitioner is that it is the private property and the authorities are unnecessarily interfering with the petitioner's property by stating that it is a public road.

4.This court is of an opinion that whether the particular property is a public property or private property shall be verified through the revenue records. The petitioner if at all claims that the particular portion of land belongs to him and he is in possession of valid documents to that extent, the petitioner has to approach the competent civil court for the purpose of getting a declaration or otherwise in the manner known to law. Contrarily this court under Article 226 of the constitution of India cannot adjudicate the property right of a person and the same has to be adjudicated by way of full fledged trial by adducing evidences and by verifying the documents. Thus, the prayer as such sought for to consider the representation cannot be issued in the absence of establishing any infringement of legal right.

5.Under these circumstances, the petitioner is at liberty to approach the competent court of law in respect of title and ownership of a property belongs to him if any. Thus, the relief as such sought for cannot be granted. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

maya

To

1.The District Collector
Erode District, Erode.

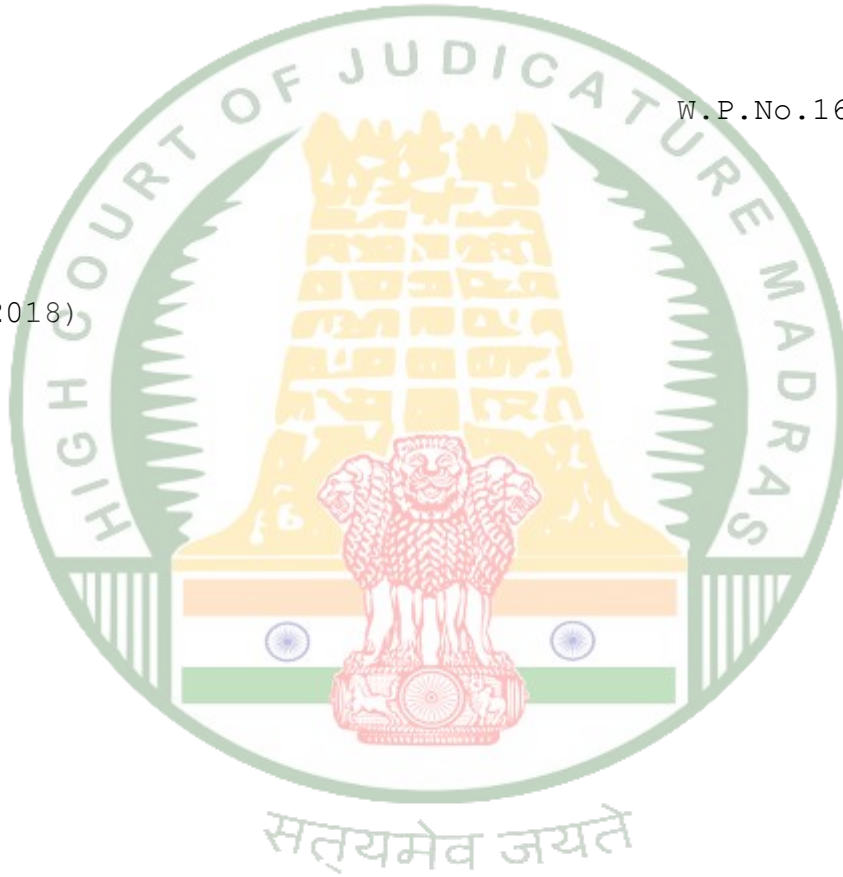
2.Revenue Divisional Officer
Gobichettipalayam
Erode District.

3.The Village President
Nagalur Village Panchayat
Anthiyur Taluk, Erode District.

+1 CC to Mr.M. Gnanasekar, Advocate sr 29413.
+1 CC to Govt. Pleader sr 29998.

W.P.No.16075 of 2014

AK(CO)
SP(08/05/2018)



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