

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.30525 of 2012 &
M.P.No.1 of 2012

R.Anantharaman

.. Petitioner

Vs.

1. The Commissioner,
Dharmapuri Municipality,
Municipal Office,
Dharmapuri, Dharmapuri District.

2. The District Collector,
Dharmapuri,
Dharmapuri District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents and their men, servants, officials, agents, henchman or any other person claiming any rights through them, not to carrying out any construction activities, from putting up any structure, altering, obstruct in any other manner and converting nature and character of road/way situated and formed on the Western Side of Public Health Sanitary Staff Colony, in Kumarasamy Pettai Dharmapuri as per the proceedings/order of the 1st respondent dated 15.6.83 in OM.Mu.No.3151/83f1 and order of the 2nd respondent dated 18.6.1983 in Na.Ka.93495/82Tha1.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.D.Suriyanarayanan
Standing Counsel for R1

Mr.B.Anand
Government Advocate for R2

O R D E R

Heard Mr.B.Vijay, learned counsel for the petitioner; Mr.D.Suriyanarayanan, learned Standing Counsel for the first respondent; Mr.B.Anand, learned Government Advocate for the second respondent and perused the materials available on record.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents from putting up any structure, alter, obstruct in any other manner and converting nature and character of road/way formed in Kumarasamy Pettai Dharmapuri.

3. The learned counsel for the petitioner submitted that the petitioner is an agriculturist and he had been using the road as an access to his property. Since there was an attempt to take away his right, the Writ Petition is filed.

4. It is further submitted that in order to establish his right of easement, the petitioner had already approached the Competent Civil Court by filing a Suit in O.S.No.46 of 2013 and in view of the subsequent development, he is not interested to pursue in the Writ Petition.

5. Recording the above said submission of the learned counsel for the petitioner, this Writ Petition is closed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

r n s
To

1.The Commissioner,
Dharmapuri Municipality,
Municipal Office,
Dharmapuri, Dharmapuri District.

2.The District Collector,
Dharmapuri,
Dharmapuri District.

+1 CC to Mr.D. Suriyanarayanan, Advocate sr 39462.
+1 CC to Govt. Pleader sr 39562

W.P. No.30525 of 2012 &
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SP(29/06/2018)