

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.10617 of 2013

and

M.P.No.1 of 2013

A.Kumarasamy

..Petitioner

Vs

1.The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Perumbalai Police Station,
Dharmapuri District.

3.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the 3rd respondent from interfering with the peaceful possession and enjoyment of the petitioner's Patta lands in Survey No.187, situated at Kendayanahalli Village, Pennagaram Taluk, Dharmapuri District and consequently forbear him from laying a Pathway/ Road on the Patta land of the petitioner in Survey No.187, situated at Kendayanahalli Village, Pennagaram Taluk, Dharmapuri District.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for issuance of a writ of mandamus, forbearing the third respondent from interfering with the peaceful possession and enjoyment of the petitioner's Patta land in Survey No.187, situated at Kendayanahalli Village, Pennagaram Taluk, Dharmapuri District and consequently forbear the petitioner from laying a Pathway/ Road on the Patta land.

2. Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he is the absolute owner of the agricultural land measuring to an extent of 8.10 acres, comprised in S.No.187 situated at Kendayanahalli Village, Pennagaram Taluk, Dharmapuri District, by virtue of sale deed dated 14.10.2010.

4. It is further stated that the petitioner has been in possession and enjoyment of the same. The petitioner instituted a Suit in O.S.No.90 of 2012 against Ayyannan and three others before the District Munsif Court, Pennagaram, to prevent their illegal attempt to trespass into the property of the petitioner. An interim injunction in I.A.No.432 of 2012, was granted in favour of the petitioner. The petitioner would allege that at the instigation of the third respondent, the defendants of the suit visited his property to lay a road. Hence, the petitioner has sent a representation dated 20.2.2013. Since no action was taken, the present writ petition.

5. The third respondent has filed a counter affidavit stating that he never threatened the petitioner nor interfered with the possession and enjoyment of the petitioner's Patta land. It is further submitted that the third respondent has never attempted to lay the pathway through the Patta land of the petitioner.

6. In the light of the counter affidavit filed by the third respondent, this Court is of the opinion that no further adjudication is necessary in this writ petition and hence, the writ petition stands closed. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Perumbalai Police Station,
Dharmapuri District.

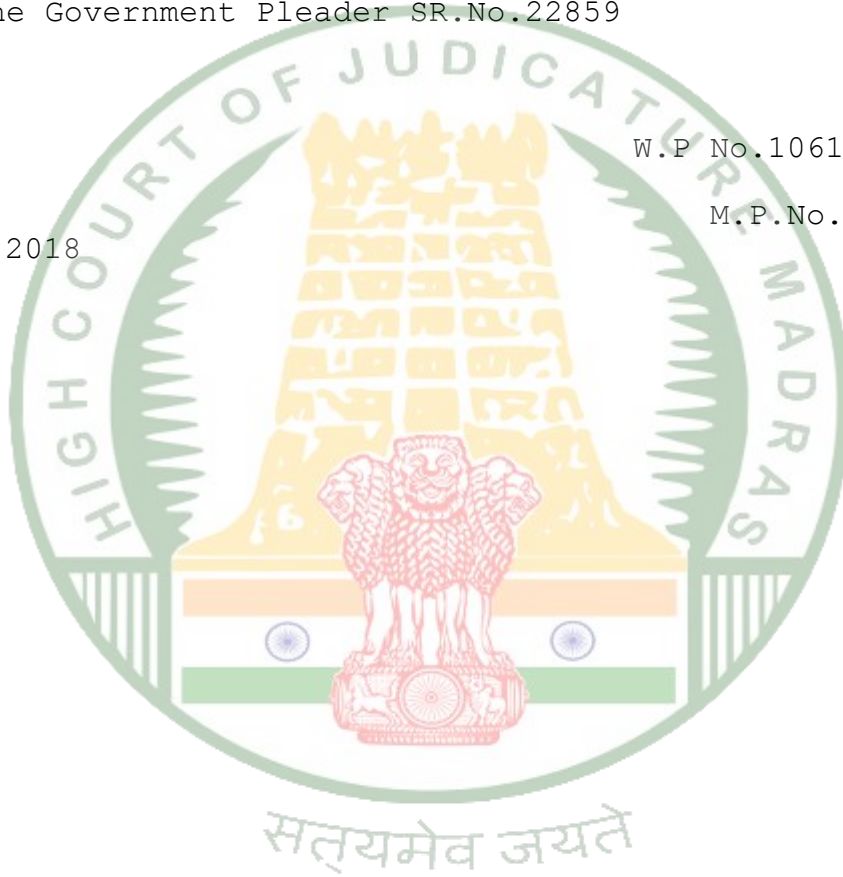
3.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

+1cc to Mr.K.Selvaraj Advocate SR.No.21891

+1cc to the Government Pleader SR.No.22859

SDR 13.04.2018

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