

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.4883 of 2012 and

M.P.No.1 of 2012

Devaraj

... Petitioner

Vs

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Special Tahsildar,
Adidravida Welfare,
Thiruvannamalai Taluk,
Thiruvannamalai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondent authorities from interfering with the possession and enjoyment of the petitioner in Survey No.58/1, 58/10, 58/11 and 58/2A, situated at Melchettipattu Village, Thiruvannamalai Taluk and District.

For Petitioner : Mr.G.Rajan

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

सत्यमेव जयते

O R D E R

Heard Mr.G.Rajan, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief,

"To issue a Writ of Mandamus, to forbear the respondent authorities from interfering with the possession and enjoyment of the petitioner in Survey

Nos.58/1, 58/10, 58/11 and 58/2A, situated at Melchettipattu Village, Thiruvannamalai Taluk and District."

3. The case of the petitioner is as follows:-

The writ petition is filed apprehending that the subject land in Survey Nos.58/1, 58/10, 58/11 and 58/2A, situated at Melchettipattu Village, Thiruvannamalai Taluk and District, which is in possession and enjoyment of the petitioner is likely to be interfered unlawfully by the respondent authority.

4. Upon notice, learned Special Government Pleader appearing for the respondents has entered appearance and filed a detailed counter affidavit. In the counter affidavit, paragraph No.3 reads as follows:-

"3. I submit that it is a fact that by Adidraavidars of the above village represented to provide pathway to their burial ground since 2012. However, till date no proposals have been initiated to acquire the lands for the above purpose. Therefore, the writ petition is pre-mature one and defense no consideration. I further submit that the position of the petitioner property by the petitioner will not be interfere except by the due process of law."

5. In view of the assertion by the respondents that till date no proposals have been initiated to acquire the lands. The apprehension of the petitioner stands allayed.

6. Recording the submissions incorporated in the counter affidavit, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Special Tahsildar,
Adidraida Welfare,
Thiruvannamalai Taluk,
Thiruvannamalai.

+1cc to the Government Pleader, S.R.No.10618

W.P.No.4883 of 2012

CS/07/03/18



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