

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.18001 of 2017

and

WMP.No.19563 of 2017

1. A.Sundaram
S/o Ayyannagounder
 2. A.Govindan
S/o Anai Gounder
- ... Petitioners

vs.

- 1.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
 2. The District Collector,
Salem,Salem District.
 3. The District Revenue Officer,
Salem,
Salem District.
 4. The Revenue Divisional Officer,
Sankari, Salem District.
 5. The Tahsildar,
Taluk Office,
Edapadi Taluk,
Salem District.
 6. The Block Development Officer,
Office of Panchayat Union,
Sankari,
Sankari Taluk,
Salem District.
- ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents in any manner from interfering with the business of private market in survey No.309/10 an extent of 50 cents at Konneripatti Agharagam Village, Sankari Taluk.

For Petitioners : Mr.M.Elango

For Respondents : Mr.D.Suriyanarayanan,
Additional Government Pleader.

O R D E R

The petitioner seeks for a mandamus forbearing the respondents in any manner from interfering with the business of private market in Survey No.309/10 an extent of 50 cents at Konneripatti Agharagam Village, Sankari Taluk.

2. Heard both sides.

3. The case of the petitioner is as follows:

A private market at S.N.309/10 is being run in an extent of 50 cents for a long number of years. Now, the respondents are trying to put up a Primary Health Centre in the said property thereby disturbing the private market already in existence. Hence, the present writ petition is filed before this Court.

4. After notice, the 6th respondent filed a counter affidavit stating that the Primary Health Centre has been proposed to be constructed in S.No.309/11 only and not at S.No.309/10. Therefore, it is stated by the 6th respondent that there is no question arises for consideration in respect of Survey No.309/10 as the Primary Health Centre is not going to be constructed in that property. The 4th respondent has also filed a counter affidavit reiterating the same contention as raised by the 6th respondent.

5. Learned counsel for the petitioner submitted that in view of the above stand taken by the respondents, this writ petition may be disposed of by recording the above contentions.

6. Considering the above stated facts and in view of the categorical assertion made by the respondents that the proposed construction of Primary Health Centre is going to be made only at S.No.309/11 and not at S.No.309/10, nothing survives to be adjudicated upon further. Accordingly, recording the above statement made by the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Revenue Administration,
Ezhilagam,Chepauk,
Chennai - 600 005.

2. The District Collector,
Salem, Salem District.

3. The District Revenue Officer,
Salem, Salem District.

4. The Revenue Divisional Officer,
Sankari, Salem District.

5. The Tahsildar,
Taluk Office,
Edapadi Taluk,
Salem District.

6. The Block Development Officer,
Office of Panchayat Union,
Sankari, Sankari Taluk,
Salem District.

+1cc to Mr.M.Elango Advocate SR.No.9193

+1cc to the Government Pleader SR.No.9780

SDR 19.02.2018

W.P.No.18001 of 2017

सत्यमेव जयते

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