

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13501 of 2018

Alluru Sreerama Raju

.. Petitioner

-vs-

1. The Executive Engineer
Public Works Department
Yanam, Pondicherry State

2. The Regional Administrative Officer
Revenue Department
Yanam
Pondicherry State

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to forthwith remove the pipelines laid in petitioner's land of an extent of 400 square metres of land in Ward D, Block No.2, TS.15, R.S.No.29, C.S.No.283/6 part at Francetippa, Yanam Hamlet and an extent of 200 square metres of land in Ward D, Block No.2, TS.15, R.S.No.29, C.S.No.283/6b located at Francetippa, Yanam Hamlet morefully described hereunder.

SCHEDULE OF PROPERTIES

1 Pondicherry State, Registration District Pondicherry Registration Sub District Yanam, Municipality Yanam, Village, Francetippa, hamlet of Yanam; nature of property Dry: Survey Numbers: Ward D, Block 2, T.S.No.15, R.S.No.29, C.S.No.283/6 part; 283/6 part; 283/6bis part; 283/6 bis part; 283/6 bis mart; 283/6 bismart; 283.6 bis part; Extent: 200 Square Metres

East : 8 Mtrs property belonging to the Government

West : 8 Mtrs property belonging to late Kona Venkatarathnam

North: 25 Mtrs property belonging to Government

South: 25 Mtrs property belonging to Sri Perabathula Sathyanarayana

2 Pondicherry State, Registration District Pondicherry Registration Sub District Yanam, Municipality Yanam, Village, Francetippa, hamlet of Yanam; nature of property Dry: Survey Numbers: Ward D, Block 2, T.S.No.15, R.S.No.29, C.S.No.283/6 part; 283/6 part; 283/6bis part; 283/6 bis part; 283/6 bis mart; 283/6 bis mart; Extent: 400 Square Metres

East : 12.91 Mtrs property belonging to Kona Venkatarathnam
West: 12.91 Mtrs property belonging to late Kona Venkatarathnam

North : 31.00 Mtrs property belonging to Sri Perabathula Veerraju and Government property

South : 31.00 Mtrs property belonging to Sri Kalla Rama Rao

For Petitioner :: Mr.AR.L.Sundaresan
Senior Counsel for
Mrs.AL.Ganthimathi

For Respondents:: Mr.C.T.Ramesh
Addl.Government Pleader (Pondy)

ORDER

Mr.Alluru Sreerama Raju, claiming to be the owner of an extent of 400 square metres of land in Ward D, Block No.2, TS.15, R.S.No.29, C.S.No.283/6 part at Francetippa, Yanam Hamlet and an extent of 200 square metres of land in Ward D, Block No.2, TS.15, R.S.No.29, C.S.No.283/6b located at Francetippa, Yanam Hamlet, has come to this Court seeking a mandamus directing the respondents to remove the pipelines laid in his land.

2. Mr.AR.L.Sundaresan, learned senior counsel for the petitioner vehemently submitted that when the petitioner has been in possession and enjoyment of the land in question, without notice whatsoever to the petitioner and without even taking any step to acquire the land from the petitioner, the respondents started digging a drain on the north eastern corner of the property and laid the pipeline also. Immediately thereafter, objecting to the said action, the petitioner issued a notice on 8.4.2018 to the respondents informing that on account of their unlawful action, substantial value of the property was lost and they should compensate the petitioner. On receipt of the said legal notice dated 8.4.2018, a reply dated 25.4.2018 was given informing the petitioner that they have laid the pipeline in the poramboke land, which is wholly unacceptable, as the petitioner is the only absolute owner of the property. Therefore, an interim direction be issued as prayed for during the pendency of the writ petition.

3. The learned Additional Government Pleader for the respondents submitted that when a suitable reply has been given to the petitioner on 25.4.2018 that the respondents have laid the pipeline only in the Government poramboke land, the matter has to go to civil Court to decide the dispute raised by the petitioner.

4. I also find some merit in his submissions. When the reply dated 25.4.2018 has been issued to the petitioner stating that the respondents have laid the pipeline in the Government poramboke land, this Court, without making any observation thereon, in the interest of both parties, directs the petitioner to approach the competent civil Court to redress his grievance. With this observation, the writ petition stands dismissed. Consequently, W.M.P.No.15898 of 2018 is also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer
Public Works Department
Yanam, Pondicherry
2. The Regional Administrative Officer
Revenue Department
Yanam, Pondicherry

+1cc to Mr.AL.GANTHIMATHI, Advocate, S.R.No. 35421
+1cc to the Government Pleader, S.R.No. 35178

W.P.No.13501 of 2018

SVN(CO)
TR(13/06/2018)

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