

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

C O R A M

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.28302 of 2018

M.Abraham Babu

... Petitioner

- Vs -

1. The Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner & Land
Administration,
Office of the Commissioner &
Land Administration,
Ehillagam, 2nd Floor,
Chepauk, Chennai - 600 005.
3. The Additional Chief Secretary/
Commissioner & Land
Administration,
Ehillagam, 2nd Floor,
Chepauk, Chennai - 600 005.
4. The District Collector,
Kancheepuram District,
Kancheepuram.
5. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
6. The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Kancheepuram District.
7. The Secretary/ Executive Officer,
Pozhichalur Panchayat,
Pozhichalur,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the fifth respondent to consider and pass appropriate orders on the petitioner's representation dated 16.12.2017 in accordance with law within the time stipulated by this court.

For Petitioner ... Mr.A.Ilaya Perumal
For Respondents ... Mr.Akhil Akbar Ali,
Govt. Advocate for RR 1 to 6
Mr.K.T.Devendran for R7

O R D E R

The prayer sought for in this writ petition herein is to issue a Writ of Mandamus, to direct the fifth respondent to consider and pass appropriate orders on the petitioner's representation dated 16.12.2017 in accordance with law within the time stipulated by this Court.

2. Heard Mr.A.Ilaya Perumal, learned counsel appearing for the petitioner and Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondent 1 to 6 and Mr.K.T.Devendran, learned counsel appearing for the seventh respondent.

3.The case of the petitioner is that, he is having agricultural land in the seventh respondent Village Panchayat, where, he is cultivating Paddy and Sugarcane regularly and in order to carry the agricultural produce from his land and also by similarly placed agriculturists in that locality, the present Panchayat Road of the seventh respondent Panchayat alone is being utilised.

4.The said Panchayat road of the seventh respondent Panchayat is having a width of 15 feet, with that narrow road, not only the petitioner but also the other agriculturists in that village are struggling a lot, to ply the loaded vehicles especially with sugarcanes. Therefore, in order to alleviate the difficulty faced by the agriculturists including the petitioner during every harvest season in that Panchayat in the locality, for the purpose of expanding or widening the road of the seventh respondent Panchayat, the petitioner thought of approaching the second respondent to make a request to exchange the land of the agriculturists in lieu of the gracing land belongs to the second respondent i.e., Government and in this regard, he made an attempt by making a representation to the second respondent on 16.12.2017. Since, the said representation has not been considered by the second respondent, the petitioner has approached this Court with the aforesaid prayer.

5. On perusal of the said representation as well as the other case papers filed by the petitioner, this Court is of the view that if at all the petitioner is having any grievance, with the result he and similarly placed other agriculturists in the locality wanted to expand or widen the road belongs to the seventh respondent Panchayat, for the easy flow of vehicle carrying agricultural produce, the right approach would be to approach the seventh respondent Panchayat, who is the custodian of the Panchayat road and it is for the seventh respondent to take appropriate decision to widen or expand the road concerned.

6. Therefore, the petitioner cannot step in to the shoes of the seventh respondent by taking the cause of the seventh respondent Panchayat at his hands and straight away approach the second respondent by making such representation to seek the indulgence of the second respondent.

7. Therefore, this Court is of the firm view that the petitioner has no locus to step into the shoes of the seventh respondent either for himself or for other similarly placed persons in that locality by approaching straight away to the second respondent with the aforesaid representation.

8. In view of the above, the prayer sought for herein cannot be granted on the ground of want of locus of the petitioner itself and therefore, the Writ Petition fails and accordingly, it is liable to be dismissed.

9. Hence, this Writ Petition is dismissed. No costs. However, it is open to the petitioner to approach the appropriate Authority for redressal of his grievance in the manner known to law.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

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Pozhichalur, Kancheepuram District.

+1cc to Mr.A.Ilaya Perumal, Advocate sr.no.79041

+1cc to The Government Pleader sr.no.79554

W.P.No.28302 of 2018

nmi(co)
nr 05/12/2018

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