



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No. 1620 of 2018

and

W.M.P (MD) No.1707 of 2018

V.Raviselvaraj

... Petitioner

-vs-

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
- 3.The Block Development Officer,
Ottapidaram Panchayat Union,
Thoothukudi District.
- 4.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
- 5.M/s.Suzlon Energy Limited,
10, Third Floor, Wellington Plaza,
90, Anna Salai,
Chennai-600 002.

... Respondents

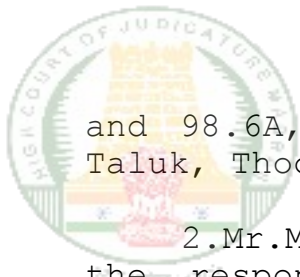
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to restrain the 5th private respondent to form road in the Petitioner's agricultural land in S.No.98.2, 98.4 and 98.6A, 98.6B and 98.6C of S.Kumarapuram Village, Ottapidaram Taluk, Thoothukudi District by converting the cart track into road.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.M.Rajarajan
1 to 4 Government Advocate

O R D E R

The relief sought for in this Writ Petition is for directing the respondents 1 to 4 to restrain the 5th private respondent to form road in the Petitioner's agricultural land in S.No.98.2, 98.4



and 98.6A, 98.6B and 98.6C of S.Kumarapuram Village, Ottapidaram Taluk, Thoothukudi District by converting the cart track into road.

2.Mr.M.Rajarajan,learned Government Advocate takes notice for the respondents 1 to 4.

WEB COPY

3.It is needless to mention that the authorities competent before laying roads, has to ascertain whether it is in accordance with law or not. Thus, it is made clear that the respondents 1 to 4 has to conduct proper investigation in relation to the revenue documents and arrive at a conclusion in respect of laying of Tar roads for the benefit of the public in general.

4.The learned counsel for the Writ Petitioner states that the decision is taken at the instance of the fifth respondent. Further, the learned counsel states that the Writ Petitioner has got right over the property and he is the owner of the property. If so, the remedy is before the competent Civil Court of Law and this Court cannot decide the title or ownership of the Writ Petitioner in respect of a particular portion of the land. If at all, the civil rights are infringed, then the parties have to approach the competent Civil Court for redressing his grievances. However, this Court in the present Writ Petition, cannot issue any such direction to restrain the fifth respondent, who is a private company, from forming a road. If at all, the dispute is between the petitioner and the fifth respondent, then also, the remedy is before the appropriate Civil Court of Law. At the outset, the Writ Petitioner has not established any rights, so as to entertain the present Writ Petition under Article 226 of the Constitution of India.This Court, in this Writ Petition, cannot conduct an enquiry or trial in respect of the ownership or otherwise of the parties. Thus no further adjudication needs to be undertaken in respect of the other grounds raised in this Writ Petition. It is the duty of the respondents 1 to 4 to ensure that the other private respondent cannot violate the rule of law. It is further made clear that if any violations of law or regulations are committed by either of the parties, appropriate action is to be taken by the competent authorities and suitable prosecutions are also to be initiated against all the persons, who have committed such illegalities or irregularities, including the Writ Petitioner as well as the private respondent.

5.With these observations, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.



2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The Block Development Officer,
Ottapidaram Panchayat Union,
Thoothukudi District.

4.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.

+1cc to Mr.RAJA KARTHIKEYAN,Advocate,SR.44479

W.P. (MD) No. 1620 of 2018
and
W.M.P (MD) No.1707 of 2018
29.01.2018

VSN
KK/SKN RSK/SAR 1/07.02.2018/ 3P- 6C/