



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7344 of 2018

and

W.M.P (MD) No.7030 of 2018

Jahir Hussain

... Petitioner

vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,
Kodaikanal, Dindigul District.

3. The Tahsildar,
Kodaikanal Taluk, Dindigul District.

4. The Block Development Officer,
Kodaikanal Panchayat Union,
Kodaikanal, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the fourth respondent from carry out any construction work in the petitioner's land in S.No.438/3 to the extent of 47 cents of Villpatti Village Group, Kodaikanal Taluk, Dindigul District till the disposal of the Appeal dated 22.03.2018 pending before the 2nd respondent.

For Petitioner : Mr.V.Kannan

For R1 to R3 : Mr.J.Gunaseelanmuthiah
Additional Government PleaderFor R4 : Mr.A.K.Baskarapandian
Additional Government Pleader**O R D E R**

The only ground on which, the petitioner seeks for prohibitory injunction restraining the fourth respondent from carrying out any construction in the land comprised in Survey No.438/3, measuring an extent of 47 cents, of Villpatti Village Group, Kodaikanal Taluk, Dindigul District, is that he is in possession of the said land for a considerable time and that he is carrying on agricultural activities.



2. Admittedly, the petitioner does not have any legal title over the subject property. I do not wish to give any finding with regard to the title that he is in possession of the subject land, since it is not the subject matter of the present writ petition. Nevertheless, this Court had earlier granted an order of interim injunction restraining the respondents from carrying out construction activities, since an appeal as against the order of the third respondent rejecting the claim for patta was pending.

3. Today, when the matter was called, the learned counsel for the fourth respondent filed a counter affidavit and submitted that the appeal before the Revenue Divisional Officer came to be dismissed on 09.04.2018 and that the construction of the Public toilets have also been completed. In respect of the same, the learned counsel for the fourth respondent produced some photographs, which evidences that 90% of the construction work is over. At this stage, it would not be appropriate to pass any orders restraining the respondents from carrying on the construction works.

4. The learned counsel for the petitioner also submitted that as against the order of the Tahsildar/ third respondent, he has preferred an appeal before the Revenue Divisional Officer (RDO) and the same is pending. Mere preferring appeal before the Revenue Divisional Officer/second respondent, cannot give any right to the petitioner to prevent the respondents from completing the construction works and putting it to use. As such, I do not find any merits in this writ petition.

5. Accordingly, this Writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Kodaikanal, Dindigul District.
3. The Tahsildar,
Kodaikanal, Dindigul District.



4. The Block Development Officer,
Kodaikanal Panchayat Union,
Kodaikanal, Dindigul District.

+1cc to Mr.V.Kannan, Advocate Sr.No.75508
+1cc to Spl.Government Pleader Sr.No.75531

DAS

VB/KAK/SAR1/07.08.2018/3P/7C

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