



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P (MD) No.24219 of 2017

and

W.M.P.No.20331 of 2017

C.Mangalanatha Durai

... Petitioner

Vs.

1. The Additional Chief Secretary/Commissioner
of Land Administration,
Ezhilagam, Chepauk,
Chennai-5.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
4. The Superintending Engineer,
Tamil Nadu Police Housing Corporation Limited,
No.1, Inspector Quarter,
TSP 6th Battalion,
New Natham Road,
Madurai.
5. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
6. The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, by forbearing the respondents for constructing a police station at the petitioner's property situated in Survey No.91/1, Uthiragosamangi village, Ramanathapuram District until the disposal of the proceedings pending before the first respondent in AP.464/2017,



based on the petitioner's representations dated 31.10.2017 and 22.12.2017.

For Petitioner

: Mr.S.Balaji

For Respondents

: Mr.Aayiram K.Selvakumar,
Additional Government Pleader

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ORDER

The petitioner filed this writ petition deferring the construction of police station in Survey No.91/1, Uthiragosamangai Village, Ramanathapuram District.

2. According to the petitioner, the abovesaid land belongs to one Jamin of Ramanathapuram. Subsequently in UDR scheme the land has been wrongly classified as "Government Poramboke". Then the petitioner approached the Revenue Divisional Officer for issuance of patta and it was rejected by an order, dated 25.04.2016. Thereafter, challenging the above said order the petitioner has filed a writ petition in W.P.(MD).No.19813 of 2016, subsequently withdraw the same with liberty to file an appeal before the concerned authority, seeking appropriate remedy.

3. Thereafter, the petitioner filed an appeal before the District Revenue Officer/first respondent on 05.12.2017, which is still pending. In the meanwhile, the fourth respondent has started the construction of the police station in the abovesaid property. Hence, the petitioner filed this writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Even though the petitioner's application for change of patta, is dismissed as early as on 25.04.2016 and this Court permitted the petitioner to file an appeal vide order dated 18.10.2016, the petitioner filed the appeal only on 05.12.2017, before the first respondent, with the delay of more than one year.

6. Mr.Aayiram K.Sevakumar, the Additional Government Pleader appearing for the respondents submitted that the construction of police station has already been commenced and in half way through.

7. Considering the facts and circumstances of the case, merely because an appeal is pending before the authorities, which has been filed after one year from the date of the order passed by this Court, and the construction of the police station has already commenced, the relief sought by the petitioner cannot be granted, and the Writ Petition is liable to be rejected.



8. Accordingly, this Writ petition is dismissed. No costs. Consequently, W.M.P.No.20331 of 2017 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Chief Secretary/Commissioner
of Land Administration,
Ezhilagam, Chepauk,
Chennai-5.
2. The District Collector,
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Ramanathapuram.
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Ramanathapuram.
6. The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

+ 1 cc TO The Special Government Pleader in SR No. 41027

kmi/pnn

AE/KK/SAR4/01.02.2018/3P/8C

ORDER MADE IN
W.P (MD) No.24219 of 2017
and
W.M.P.No.20331 of 2017
08.01.2018