

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.A.No.1741 of 2019

M.Abraham Babu,
S/o.M.A.Abraham,
New No.X47, Old No.X11,
5th Main Road, Anna Nagar,
Chennai 600 040. Appellant

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,
Ehilagam, 2nd Floor,
Chepauk, Chennai 600 005.

3.The Additional Chief Secretary/Commissioner &
Land Administration,
Office of the Commissioner & Land Administration,
Ehilagam, 2nd Floor,
Chepauk, Chennai 600 005.

4.The District Collector, सत्यमेव जयते
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 Appeal filed against the order passed by this Court in W.P.No.28302 of 2018 on 20.11.2018.

Writ Petition Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct 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 Appellant :Mr.N.Damodaran

For Respondents :Mr.V.Anandhamoorthy
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been filed by the petitioner aggrieved over the dismissal of W.P.28302 of 2018, seeking Writ of Mandamus to direct the 5th respondent to consider and pass appropriate orders on the petitioner's representation dated 16.12.2017.

2.Heard Mr.N.Damodaran, learned counsel appearing for the appellant and Mr.V.Anandhamoorthy, learned Government Pleader.

3.The case of the appellant is that he is having agricultural land in the the 7th respondent village panchayat and he is cultivating paddy and sugarcane regularly. In order to carry the agricultural products from his land and that of similarly placed agriculturists in the locality, the present Panchayat road of the 7th respondent panchayat is being utilised and width of the road is only 15 feet, which is very narrow. Therefore, the appellant and other agriculturists represented that their lands can be exchanged in lieu of grazing land of the Government, so that wider road could be laid. In this regard, the appellant has given a representation on 16.12.2017. Since it evoked no response, the appellant approached this Court by way of Writ Petition.

4.The learned single Judge taking note of the fact that the 7th respondent is the custodian of the panchayat road and

observed that if at all any grievance is there, it is only the 7th respondent who has to look into the matter. The said reasoning is acceptable. Moreover, if at all the appellant is aggrieved over the narrowness of the road, the appellant and other agriculturists can widen the road by including their property and not the grazing land of the Government.

5. Moreover, the contention made by the learned counsel for the appellant that they are cultivating paddy and sugarcane has to be rejected as Mr.V.Anandhamoorthy, learned Additional Government Pleader produces photographs to show that the said lands are not used for cultivation and they are only vacant lands and cultivation has not taken place for years together. Therefore the contention of the appellant is false and on that ground also the appeal is liable to be dismissed.

6. Accordingly the Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

sai

TO

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,
Ehilagam, 2nd Floor,
Chepauk, Chennai 600 005.

3. The Additional Chief Secretary/Commissioner &
Land Administration,
Office of the Commissioner & Land Administration,
Ehilagam, 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.

+1cc to Mr.N.Damodaran, Advocate, S.R.No. 54553
+1cc to the Government Pleader, S.R.No. 54871

W.A.No.1741 of 2019

SS(CO)
GN(20/08/2019)



WEB COPY