

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8278 of 2009

and

M.P.No.1 of 2009

Sundarammal

...Petitioner

.Vs.

1. The Collector of Coimbatore District
Coimbatore.
2. The Tahsildar,
Pollachi, Coimbatore.
3. Block Development Officer,
Pollachi (South), Coimbatore.
4. President,
Thondamuthur Panchayat,
Pollachi Taluk, Coimbatore District.
5. Parameswaran
6. Selvaraj

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, Prohibiting the Respondents from constructing the Public Latrine on the petitioner's Land in New Survey No.402/4B and 403/4C (Old survey No. 149/A1C2 in Thondamuthur Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.M.V.Krishnan

For Respondents: Mrs.K.Bhuvaneswari
Additional Government Advocate
for R1, R2 & R4.
Mr.K.Balasubramanian for R3.

O R D E R

The petitioner has filed this Writ Petition, to issue a writ of Mandamus, prohibiting the respondents from constructing Public Latrine in the petitioner's Land in New Survey No.402/4B

and 403/4C (old survey No. 149/A1C2 in Thondamuthur Village, Pollachi Taluk, Coimbatore District.

2. The case of the petitioner is that he owns a House site in Thondamuthur Village, Pollachi Taluk, Coimbatore District, comprised in Survey No. 149/A1C2, and she has been granted Patta for the same. The petitioner's husband Patra Sami owns adjacent house site, and he has been granted patta by the second respondent Thasildar Pollachi. The petitioner and her husband lived in the house, having put up a small house, along with their parents and children. The petitioner is paying house tax to the Thondimuthur Panchayat. Bearing illwill towards the petitioner, the third respondent, the Panchayat President, Tmt.Banumathi, has threatened to drive the petitioner out of the Village. The petitioner belong to the Boyar Community, a Schedule Tribe Community. The Panchayat President and their family are abusing the petitioner calling them using caste name and threatening them everyday. The Panchayat President and her husband Gopal and their son Kadir alias Kadirvel have made the petitioner's life miserable.

3. Earlier, Murugan son of Rama Boyar and Chinnan, son of Pathra Boyar, attempted to interfere with the possession and enjoyment of the petitioner's land. The petitioner filed O.S.No.346 of 1998 on the file of District Munsif's Court, Pollachi, against the said Murugan and Chinnan, seeking to restrain them from interfering with petitioner's possession and enjoyment of his land. The District Collector, Coimbatore and Tahsildhar, Pollachi, namely Respondents 1 and 2 were also made parties to the suit. No written statement was filed by them. The Defendants did not contest the case and an order of Exparte injunction was passed on 22.06.2000, and the Decree in O.S.No.346 of 1998 has become final.

4. Now, the Panchayat President, her husband, son along with the respondents 5 and 6 herein trespassed into the land of the petitioner and are constructing a public latrine in her land trespassing 12 feet into her property. No notice was served on her by the Panchayat. No resolution has also been passed by the Thondamuthur Panchayat for construction of a Public latrine on her patta land. Hence, the writ petition is filed.

5. Per contra, the learned Government Advocate would submit that the Government has no intention to build a public toilet on the land of the petitioner and the apprehension of the petitioner is needless. Therefore, no adjudication is required in this Court.

6. The Statement made by the learned Government Advocate is recorded. This Court is inclined to grant liberty to the

petitioner, to workout her remedy before the appropriate forum in the manner known to law, if the respondent make an attempt to build public toilet in her land in future.

7. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Collector of Coimbatore District
Coimbatore.
2. The Tahsildar,
Pollachi, Coimbatore.
3. The Block Development Officer,
Pollachi (South), Coimbatore.
4. The President,
Thondamuthur Panchayat,
Pollachi Taluk, Coimbatore District.

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Kak(16/10/2019)
Kak(21/11/2019)

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