

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.15201 of 2018

A.Babu

.. Petitioner

v.

1 The District Collector
Villupuram, Villupuram District.

2 The Tahsildhar
O/o.Tahsildhar Office
Chinnasalem Taluk
Villupuram District.

3 The Executive Officer
O/o.Municipal Office
Chinnasalem-606 201
Villupuram District.

4 A.Murugan

5 A.Subramani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the 1st respondent to consider the petitioner representation dated 12.06.2018 and to initiate appropriate action in accordance with law.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c) - for R1 to R3

Mr.E.C.Ramesh - for R4 & R5

O R D E R

(Order of the Court made by The Hon'ble Chief Justice
and M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondent No.1 to

consider the petitioner's representation dated 12.06.2018 and to initiate appropriate action in accordance with law.

2. It is the case of the petitioner that he is the absolute owner of the house and vacant lands in Survey No.247/4 situated in Thiru.Vi.Ka Nagar, Chinnasalam Taluk, Villupuram District and adjacent to his lands, in Survey No.899, there is a vacant land belonging to the Chinnasalem Municipality, which is a catchment area. Further, the petitioner contended that the respondent Nos. 4 and 5 encroached the said vacant land and put up construction.

3. The respondent No.3/The Executive Officer, Chinnasalam Town Panchayat, filed a counter affidavit, wherein he has stated that respondent Nos. 4 and 5 are in possession of the lands, which is classified as "Natham Poromboke Lands" and not "Lake Poromboke Lands", as claimed by the petitioner. Further, the respondent No.3 has specifically stated that the lands in occupation of the respondent Nos. 4 and 5 does not belong to the Town Panchayat.

4. In view of the specific stand taken by the respondent No.3 stating that the respondent Nos. 4 and 5 are in occupation of "Natham Poromboke Lands" and also that the lands in possession of them does not belong to the Town Panchayat, the relief sought for by the petitioner cannot be granted. The petitioner has not come out with true facts. In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

Rj

To

1 The District Collector
Villupuram, Villupuram District.

2 The Tahsildhar
O/o.Tahsildhar Office
Chinnasalem Taluk
Villupuram District.

3 The Executive Officer
O/o.Municipal Office
Chinnasalem-606 201
Villupuram District.

+1cc to Mr.D.Balachandran, Advocate SR.No.15252

+1cc to Mr.V.Jayaprakash Narayan, Advocate SR.No.15622

+1cc to Government Pleader, High Court, Madras SR.No.15537

W.P. No.15201 of 2018

CA(CO)
GMY(12/03/2019)



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