

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.18636 of 2014 and
M.P.No.1 of 2014

K.Viswanathan

.. Petitioner

-vs-

1.The District Collector,
Erode District,
Erode-638 011.

2.The Block Development Officer,
Perundurai Panchayat Union,
Perundurai-638 052,
Erode District.

3.The President,
Ponmudi Village Panchayat,
Perundurai Taluk,
Erode District.

4.S.C.Chinnusamy

5.S.C.Arjunan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to protect the petitioner's life and property and forbear the respondents 3 to 5 from laying any panchayat road over his patta lands measuring an extent of 8.10 acres comprised in R.S.No.132 (Old S.F.No.140) of Ponmudi Village, Perundurai Taluk, Erode District unless the procedure established by law is adhered to, after considering the petitioner's representation dated 02.07.2014.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Shanmuga Sundar,
Spl.G.P. for R1
Mr.S.Mohan for R4

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to protect the petitioner's life and property and forbear the respondents 3 to 5 from laying any panchayat road over his patta lands measuring an extent of 8.10 acres comprised in R.S.No.132 (Old S.F.No.140) of Ponmudi Village, Perundurai Taluk, Erode District unless the procedure established by law is adhered to, after considering the petitioner's representation dated 02.07.2014.

2. When the matter is called, the learned Special Government Pleader appearing for the 1st respondent stated that a draft counter is ready and the same will be filed in few days. Therefore, the matter may be adjourned.

3. A perusal of the draft counter reveals that nowhere in the said counter, the 1st respondent has stated that the private land belonging to the petitioner is going to be used for laying the road. Further, in the draft counter, it is stated that there is no any proposal for formation of road in the patta land belonging to the petitioner.

4. Recording the specific statement in the draft counter affidavit of the 1st respondent that there is no formation of road in R.S.No.132 of the petitioner's patta land, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

1.The District Collector,
Erode District,
Erode-638 011.

2.The Block Development Officer,
Perundurai Panchayat Union,
Perundurai-638 052,
Erode District.

3.The President,
Ponmudi Village Panchayat,
Perundurai Taluk,
Erode District.

+1cc to Mr.N.Manokaran, Advocate SR.94833
+1cc to the Government Pleader SR.96043

W.P. No.18636/2014

EV(CO)
CB(30/12/2019)



WEB COPY