

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.31160 of 2018

M.Perumal

.. Petitioner

Vs.

1. The District Collector
Thiruvanamallai District
Thiruvanamallai.
2. The Thasildar
Vandavasi
Thiruvanamallai District
Thiruvanamallai.
3. M.Venkatesan
4. The Block Development Officer
Vandavasi Taluk
Thiruvanamallai District
Thiruvanamallai. .. Respondents
(R4 impleaded vide order dated
20.12.2018 made in WMP.39464/18)

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct respondents 1 and 2 to remove the soil mud illegally made by the third respondent based on my representation dated 27.8.2018.

For Petitioner

: Mr.V.Karnan

For Respondents

: Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c.)
for respondents 1,2 and 4

No appearance
for 3rd respondent

ORDER
(Order of the Court was made by M.Duraiswamy,J.)

The petitioner has filed the above writ petition to issue a writ of mandamus directing respondents 1 and 2 to remove the soil and mud illegally made by the third respondent, based on his representation dated 27.8.2018.

2. Though it is the case of the petitioner that the third respondent has blocked the pathway by storing soil and mud, on a perusal of the photographs annexed in the typed set of papers, it could be seen that there is only a rock in the land and we do not find any soil or mud.

3. The learned counsel appearing for the petitioner submitted that the petitioner's land lies on the other side of the rock and, therefore, the official respondents should make the passage to reach the petitioner's land.

4. Since the averments stated in the affidavit filed in support of the petition is only with regard to the obstruction made by the third respondent, the photographs do not support the case of the petitioner in any manner whatsoever. That apart, the third respondent would not have laid the rock in the land as averred in the affidavit filed in support of the writ petition.

In view of the same, the writ petition is devoid of merits and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector
Thiruvanamallai District
Thiruvanamallai.
2. The Thasildar
Vandavasi
Thiruvanamallai District
Thiruvanamallai.

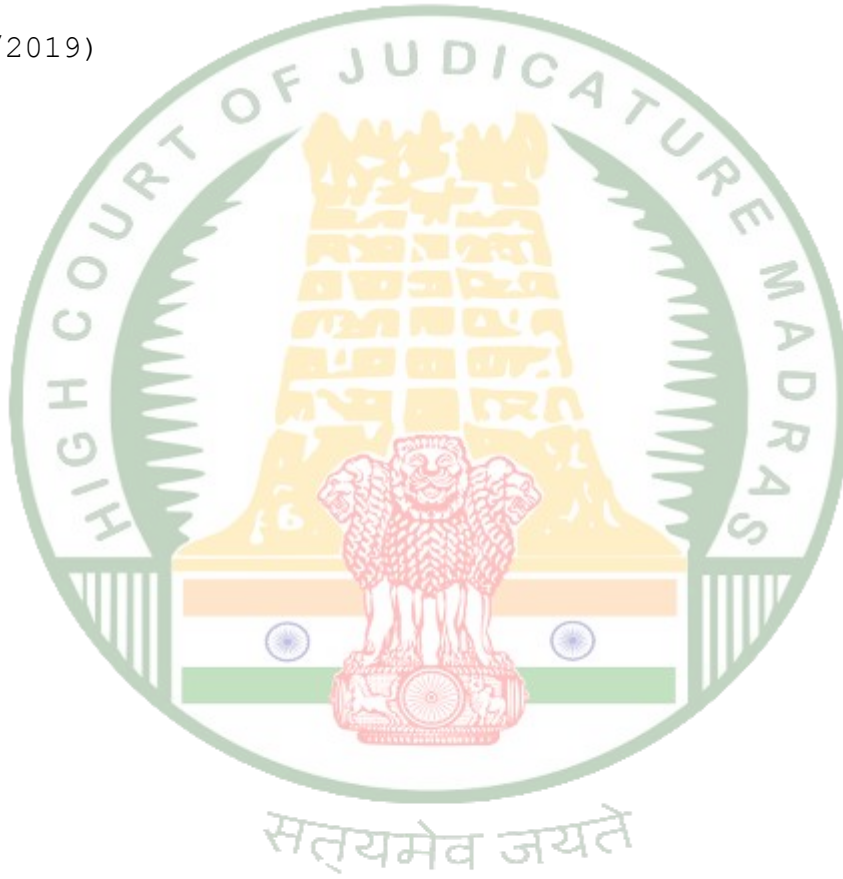
3. The Block Development Officer
Vandavasi Taluk
Thiruvanamallai District
Thiruvanamallai.

+1cc to Mr.V.Karnan, Advocate SR.No.6217

+1cc to Government Pleader SR.No.6249

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PA (CO)
GMY (07/02/2019)



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