



WEB COPY

W.P(MD)No.21764 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P (MD) No. 21764 of 2019

and

W.M.P. (MD) No. 18506 of 2019

P.Velu

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Divisional Engineer,
Highway (C&M) Division,
Tirunelveli -02.

3.The Assistant Divisional Engineer,
Highway (C&M) Division,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus restraining the respondents or their men from putting up construction in the petitioner's land situated in S.No.974 in Chathiram Puthukulam Village, Tirunelveli Taluk, Tirunelveli District without following the due procedures under law.

For Petitioner : Mr.S.Suresh Manickam
for Mr.R.J.Karthick

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.S.Suresh Manickam, learned counsel on record for writ petitioner and Mr. Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents are before this Court.

2. With the consent of learned Counsel on both sides ie., learned Counsel for writ petitioner and State Counsel, main writ petition is taken up, heard out and is being disposed of.

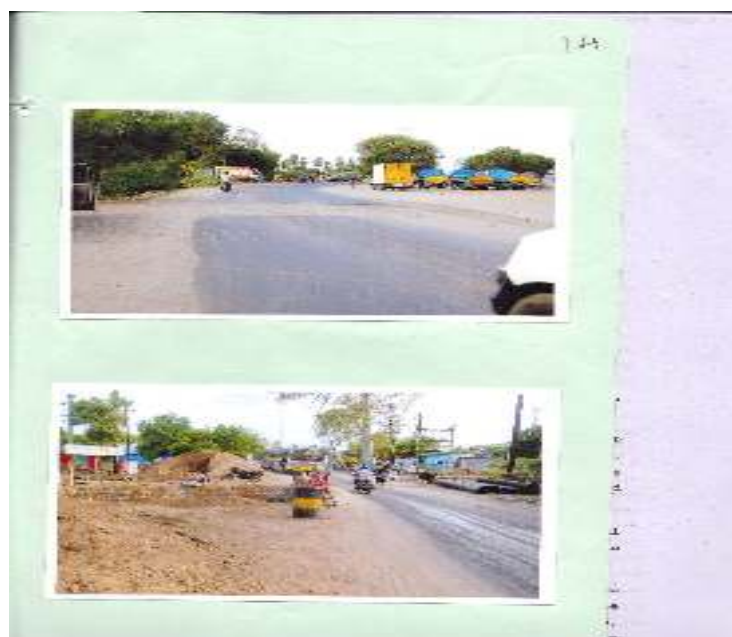


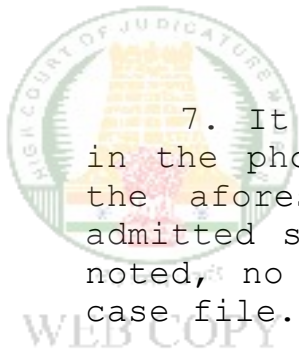
3. Land admeasuring 26 cents or thereabouts in Survey No.974 in Sathiram Puthukulam Village, Tirunelveli Registration District (hereinafter 'said land' for brevity) is subject matter of instant writ petition.

4. It is the case of the writ petitioner that said land belongs to him. Complaint of the writ petitioner is that the respondents, more particularly respondents 2 and 3 are putting up construction near said land and are likely to put up construction in said land also. It is also the case of the writ petitioner that the site where construction activities are now going on has been chosen to avoid acquisition of lands of a person whom the respondents are interested in.

5. Learned State Counsel, on instructions (to be noted Road Inspector from the office of the second respondent is present in Court and is instructing the State Counsel) submitted that what is going on is only road widening work and the respondents have no intention to put up any construction or encroach upon the said land in any manner. This is recorded.

6. Now that the respondents have categorically said that they do not have any intention to put up any construction or encroach upon said land in any manner, the anxiety of writ petitioner stands doused with regard to the apprehension that has been expressed. As the property chosen is not the writ petitioner's property, this Court is not inclined to entertain this writ petition as the sites chosen is a matter of larger public interest and writ petitioner's private interest if any should yield to the same. To be noted, two photographs placed before this Court by writ petitioner as part of the case file are as follows:





7. It is not in dispute that said land has not been captured in the photographs scanned and reproduced supra. In other words, the aforesaid photographs do not show the said land is the admitted say of learned Counsel for writ petitioner. Also to be noted, no other photographs placed before this Court as part of case file.

8. In the light of narrative thus far, this Court is of the considered view that it will suffice if the submission of State Counsel and stated position of the respondents that they do not have any intention to put up any construction or encroach/enter upon the said land in any manner is recorded and writ petition is disposed of.

9. Writ Petition is disposed of recording the above submission of State Counsel. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Divisional Engineer,
Highway (C&M) Division, Tirunelveli -02.

3.The Assistant Divisional Engineer,
Highway (C&M) Division,
Palayamkottai, Tirunelveli District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-92439[F] dated 17/10/2019)

+1 CC to M/s.SPL GP (SR-92486[F] dated 17/10/2019)

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