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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12391 OF 2016

AND

W.M.P.NOS.10727 OF 2016 & 6656 OF 2017

1. C.Venkatraman
2. Arumugam
3. Devanathan
4. Kannan

...Petitioners

Vs

1. The District Collector,
Villupuram District,
Villupuram.
2. The Special Thasildhar,
Adidravaidar Welfare,
Ulundurpet, Villupuram District.
3. The Sub-Inspector of police,
Tirunavalur Police Station,
Tirunavalur,
Ulundurpet taluk,
Villupuram District.

.... Respondents

[P1-Disd as abated vide Court order dated 04.02.2021]

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from in any way interfering with the petitioners property in S.No.172/20, 172/21, 174/2, 174/4A, 174/4B, 173/8C, 174/10, 174/11 and 174/3A including service connection No.545 situate in S.No.172/20 all the properties are situate in Paathoor village, Ulundurpet Taluk and also thereby direct the respondents not to coerce the petitioners to hand over their properties for the pathway in the Village.

For Petitioners : Mrs.Aishwarya (for P2 to P4)
for Mr.N.Suresh

For Respondents : Mr.K.M.D.Muhilan
Government Advocate



ORDER

The relief sought for in the present writ petition is to forbear the respondents from in any way interfering with the petitioners property in S.No.172/20, 172/21, 174/2, 174/4A, 174/4B, 173/8C, 174/10, 174/11 and 174/3A including service connection No.545 situate in S.No.172/20, all the properties are situate in Paathoor village, Ulundurpet Taluk and also thereby to direct the respondents not to coerce the petitioners to hand over their properties for the pathway in the Village.

2. The petitioners state that they are the absolute owners of the properties, in S.No.172/20 and 172/21, in Paathoor village, Ulundurpet Taluk and the authorities are initiating steps to negotiate acquire the land connected with the petitioners, for the purpose of creation of pathway, so as to provide road to reach the Burial Ground. Therefore, the petitioners are constrained to move the present writ petition.

3. This Court is of the considered opinion that such a relief in the nature of an injunction cannot be granted in a writ proceedings. The relief sought for is to forebear the respondents from interfering with the property of the petitioners. No doubt, the petitioners have got a property right. However, such right is subject to Acquisition Laws in force. If the Government requires private land for public usage, the Government is empowered to invoke the provisions of the Acquisition Laws and take over the land for the purpose of public usage.

4. Therefore, such a blanket relief in the nature of an injunction, cannot be granted in a writ proceedings. The Counter filed by the Special Tahsildar, Adi-Dravidar Welfare states as follows:

"4. I Submit that in obedience to the direction of National Commission for Scheduled Castes, the District Collector, Villupuram District First Respondent herein direct me to submit a report in the New Indian Express News it was stated that the pathway to the Graveyard was not provided to the pathoor kal Colony people in Ulundurpet Taluk, Villupuram District and also the public made several representation for the same pursuant to that I visited the village on 22.01.2016 inspected the spot along with Pathoor Village Administrative Office and prominent members of Adi Dravidar Community spot enquiry revealed that in Pathoor Village, Kal Colony Adi Dravidar people using grave yard situated in



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R.S.No.174/3B to the extent of 0.13.0 Ares. To reach the graveyard. They are using that wet lands situated in R.S.No.171/3, 171/4, 172/20, 172/21, 173/8D, 174/11. At the time of Inspection crops were raised the land owners are residing outside the village. The Village Administrative Officer was asked to contact the landowners and taken steps to acquire the land by negotiation failing which acquisition proceedings may be investigated. I submit the Report to the First Respondent. The Land owners were requested to attend the Adi Dravidar Welfare, Special Tahsildar's Office at Ulundurpet on 28.01.2016 at 11.00 AM. And summons were issued. But all the landowners refused to receive the summons and did not appear on 28.01.2016. Steps were taken to measure the land for acquisition.

5. I submit that in the mean time, the Respondents/Petitioners filed petitions before Hon'ble Court praying for interim injunction and a direction not to coerce the petition to handover their properties for the pathway in the village in W.P.No.12391 of 2016 and W.M.P.No.10727 of 2016. After hearing bothsides, this Hon'ble Court on 01.04.2016 passed an order of 'Status Quo' till 11.04.2016. Again on 11.04.2016, this Hon'ble Court extended the interim order already granted until further orders.

6. I Submit that the duty of the Government to provide pathway to the graveyard to the people of pathoor village Kal Colony Adi Dravidar people. If the pathway is not provided to them unnecessary communal clash will arise. Because of the order of 'Status Quo' The Government is not in a position to start acquisition proceedings to acquire the land for pathway. If the order of 'Status Quo' is not vacated irreparable damage will be caused to the Government.

5. In view of the facts stated in the counter affidavit as above, the relief as such sought for in the present writ petition cannot be granted. Further, the actions are yet to be initiated by the authorities competent.

6. This being the factum, the petitioners have not established any right for the purpose of grant of any relief in the nature of an injunction. Accordingly, the writ petition



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stands dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Special Thasildhar,
Adidravaidar Welfare,
Ulundurpet,
Villupuram District.
3. The Sub-Inspector of police,
Tirunavalur Police Station,
Tirunavalur,
Ulundurpet taluk,
Villupuram District.

+1cc to Mr.N.Suresh, Advocate, S.R.No.52657

+1cc to the Government Pleader, S.R.No.53175

W.P.No.12391 of 2016

PMK(CO)
RLP(26/10/2021)