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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.3866 of 2013

And

MP No.1 of 2013

K.Arivazhagan

.. Petitioner

vs.

1.District Collector,
Dharmapuri.

2.District Revenue Officer,
Dharmapuri.

3.Revenue Divisional Officer,
Harur,
Dharmapuri District.

4.Tahsildar,
Pappireddipatti,
Dharmapuri District.

5.The Special Tahsildar (ADW),
Pappireddipatti,
Dharmapuri District.

6.Revenue Inspector,
Thenkaraikottai,
Dharmapuri District.

7.Village Administrative Officer,
Yarumyampatti,
Pappireddipatti,
Dharmapuri District.

.. Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents, their men/servants/agents from interfering the petitioner's land in Survey No.76/9 situated in Yarumayampatti Village, Pappireddipatti Taluk, Dharmapuri District.

For Petitioner : Mr.A.Swaminathan
For Respondents : Mr.K.M.D.Muhilan,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to forbear the respondents, their men/servants/agents from interfering the petitioner's land in Survey No.76/9 situated in Yarumayampatti Village, Pappireddipatti Taluk, Dharmapuri District.

2. The grievance of the petitioner is that the respondents are making an attempt to lay public road in the property belongs to the petitioner. In other words, it is contended that the rights of the petitioner is infringed due to illegal entry of the Authorities in the land belongs to the petitioner.

3. However, it is brought to the notice of this Court that so far no such road has been laid due to the interim order or otherwise. However, the civil right cannot be adjudicated in the writ proceedings.

4. The Authorities if at all has to form a road and a private land is required, then they have to acquire the land by following the procedures as contemplated under Acquisition Laws. No such circumstances aroused in the present writ petition.

5. The petitioner seeks a blanket order in the nature of an injunction restraining the authorities from interfering with his possession. No doubt, the Authorities cannot infringe the right of any person without following the due process of law. But if the Authorities have decided to utilise the property for public scheme, then the provisions of the Land Acquisition Act, is to be followed for acquiring the land.



6. This being the principles to be followed, the petitioner has not established any cause for the purpose of granting the relief, as such, sought for in the present writ petition and the rights of the petitioner are also not infringed, as no such public scheme is approved or implemented.

7. With the above clarifications, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

Svn

To

1. District Collector,
Dharmapuri.
2. District Revenue Officer,
Dharmapuri.
3. Revenue Divisional Officer,
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4. Tahsildar,
Pappireddipatti,
Dharmapuri District.
5. The Special Tahsildar (ADW),
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6. Revenue Inspector,
Thenkaraikottai,
Dharmapuri District.



7.Village Administrative Officer,
Yarumyampatti,
Pappireddipatti,
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+1CC to The Government Pleader, SR.No. 50843

WP 3866 of 2013

SSV(CO)

B.VC (12/10/2021)