

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 4900 of 2013

and

M.P.No.1 of 2013

P.Arumugam,
S/o.Perumal

...Petitioner

Vs

1. The District Collector,
Salem District,
Salem.

2. The Block Development Officer,
Pethanampalayam,
Salem District

3. The Tahsildar,
Attur Taluk,
Salem District.

4. Arukkani
5. Subramani

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 4 & 5, their men, agents, servants or anybody claiming through or under them from constructing a public toilet or doing anything under the guise of public purpose in the petitioner's patta lands of an extent of 33 cents in respect of Survey No.130/2 in Puththiragoundanpalayam Village, Attur Taluk, Salem District, other than by due process of law.

For Petitioner : Mr.S.Sathia Chandran

For R1 & R3 : Mr. M.D.Ilayaraja
Government Advocate

For R2, R4 & R5 : No appearance

ORDER

This writ petition has been filed for mandamus, to restrain R4 and R5 from putting up a public toilet on the petitioner's patta land in S.No.130/2 in Puththiragoundanpalayam Village, Attur Taluk, Salem District.

2. It is the contention of the respondents that the 1st respondent has sanctioned the amounts to the 3rd respondent for putting up the public toilet on Natham Poramboke Land S.No.128/2A.

3. Paragraph 4 of the counter affidavit filed by the 2nd respondent reads as under:-

"4. It is respectfully submitted that with regards to the averments made in paragraph 3 of the affidavit, it is submitted that the petitioner has stated that he paid tax for small extent of Natham Poramboke Land, in Survey No.128/2A which is adjacent to his patta land. This is a false statement. The revenue department will not raise demand for Natham and other Poramboke lands and will raise demand for patta lands only. It is also not explained by the petitioner, how he paid tax for a small extent of Natham Poramboke Land, in Survey No.128/2A and not for whole because this is also not a practice of the Revenue Department to raise demand for a partial or small extent land in a Survey No. So from these statements of the petitioner itself, it is understood that the petitioner tries to submit wrong information to this Hon'ble court with the intention to mislead which is not fair on the part of the petitioner."

4. Since there is a dispute as to whether the respondents have proposed to put public toilet in petitioner's land in S.No.130/2 in Puththriagoundanpalayam Village, Attur Taluk, Salem District or the Natham Poramboke Land in S.No.128/2A, the 3rd respondent is directed to obtain a report of a surveyor and give a report to 1st respondent who shall thereafter decide whether proposed public toilet is being put on Natham Poramboke Land in S.No.128/2A or in petitioner's land in S.No.130/2 in Puththriagoundanpalayam Village, Attur Taluk, Salem District.

5. This Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

arb

To

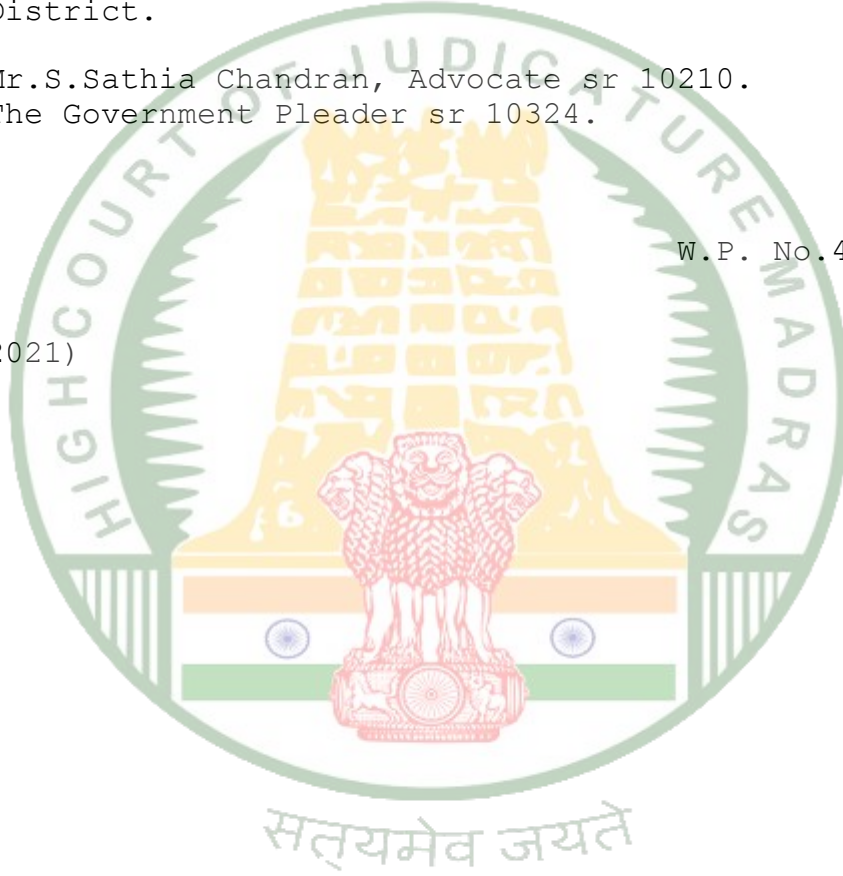
1. The District Collector,
Salem District,
Salem.
2. The Block Development Officer,
Pethanampalayam,
Salem District
3. The Tahsildar,
Attur Taluk,
Salem District.

+1 CC to Mr.S.Sathia Chandran, Advocate sr 10210.

+1 CC to The Government Pleader sr 10324.

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PMK (CO)
SP(17/03/2021)



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