



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.4849 of 2021

1.M/S.Jaya Fireworks Agencies,
a registered partnership firm registered
with registrar of firms, Virudhunagar,
in registration No.58/2013 represented
through one of its partner Ethiraj
having principal place of business at
No.2/4, Kamac Road,
Kamavarsangamvalagam, Sivakasi.

2.E.Geetha

3.E.Rajasekaran

.. Petitioners

vs

1.The District Revenue Officer/
Land Acquisition Officer,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.

2.Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Virudhunagar District,
Virudhunagar.

3.The Special Tahsildar,
(Land Acquisition outer ring road),
Taluk Office,
Sivakasi,
Virudhunagar District.

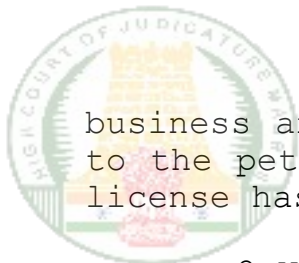
.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.09.2020 within a time frame to be stipulated by this Court.

For Petitioner : Mr.A.Sivaji
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

The 1st petitioner is a partnership firm and was involved in the business of marketing of fireworks in the name of M/s.Natchiyar Fireworks Agency. According to the petitioners, in the subject property, they had put up a construction in furtherance of their



business and also built four magazines and each magazine, according to the petitioners, has a storage capacity of 2,00,000 kgs., Proper license has been obtained for the business of the firm.

2.While so, suddenly the petitioners found that some officials of the Government had entered into the land and started measuring and marking the alignment for the proposed formation of ring road and the proposed alignment is very close to the storage magazines located in the subject property. In that regard, the petitioners appear to have submitted a representation on 08.09.2020 to the respondents and according to the petitioners, they have invested several lakhs of rupees to run their business and any acquisition for public purpose would result in huge loss to the firm. Therefore, the petitioners are before this Court to consider their representation dated 08.09.2020 for realignment of the proposed ring road formation.

3.From the entirety of the averments contained in the affidavit, the petitioners have not disclosed any specific cause of action for them to approach this Court at this juncture and also the averments as contained in the affidavit are too sketchy and bald as to what is the proposal and what is the extent of the property that is sought to be acquired for any public purpose etc. The petitioners have not relied on any proceedings of the State authority nor any communication mentioned in the affidavit regarding the proposed acquisition.

4.In the above circumstances, this Court is not inclined to entertain this writ petition as this Court finds that the writ petition is highly premature and hence not maintainable. In the absence of any specific cause of action and in the absence of any specific details as to the proposed action by the State authorities, acquiring the land belonging to the petitioner, this Court cannot issue any writ of mandamus. It is always open to the petitioners to workout their remedy in a manner known to law, in case, there is any action initiated by the State authority adverse to the interest of the petitioners, but it is certainly not open to the petitioners to maintain this writ petition at this stage, without any specific cause of action.

5.For the above said reasons, the writ petition stands dismissed. No costs.

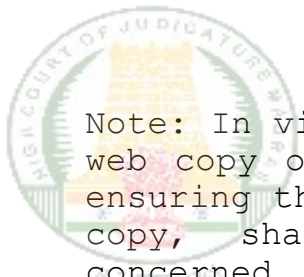
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The District Revenue Officer/
Land Acquisition Officer,
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Taluk Office,
Sivakasi,
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+1 CC to M/s.SPL GP (SR-10168[F] dated 10/03/2021)

+1 CC to M/s.A.SIVAJI, Advocate (SR-10034[F] dated 10/03/2021)

W.P. (MD)No.4849 of 2021
09.03.2021

NA (CO)

KB (07.04.2021) 3P 6C