



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10393 of 2021

WEB COPY

Selvaraj

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari District.

2.The Block Development Officer,
Village Panchayat,
Munchirai Panchayat Union,
Kanyakumari District.

3.The Inspector of Police,
Nithiravillai Police Station,
Kanyakumari District.

4.Paulraj

5.The President,
Vavarai Panchayat,
Vavarai,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 18.05.2021 and pass appropriate orders initiating legal processes against the fourth and fifth respondents in making harm, disturbances and protecting the petitioner in running Cow Farm at Pillavillai Village, Vavarai Panchayat, Kanyakumari District in his own property measuring to an extent of 15 cents forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.M.Lingadurai

Government Advocate for R1 and R3

: Mr.P.Subburaj for R2

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 18.05.2021, wherein the



petitioner has sought for initiating action against the fourth and fifth respondents on the ground that they are disturbing the petitioner from running the Cow Farm.

2. The case of the petitioner is that he is running a Cow Farm at Pillavillai Village, Vavarai Panchayat, Kanyakumari District. The further case of the petitioner is that he is eking his livelihood from the Cow Farm. The grievance of the petitioner is that the fourth and fifth respondents are demanding money from the petitioner as Mamool and they are virtually preventing the petitioner from carrying on with his work in the Cow Farm. According to the petitioner, the fourth and fifth respondents are also indulging in some illegal activities and when the same was questioned, they have threatened the petitioner. The petitioner, therefore, gave a complaint to the police on 18.05.2021. That apart, the petitioner also made a representation to the first respondent to take action against the fourth and fifth respondents. Since, the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate, appearing for respondents 1 and 3 and Mr.P.Subbaraj, learned counsel appearing for the second respondent.

4. In the considered view of this Court, the nature of the allegation that has been made by the petitioner against the fourth and fifth respondents does not attract any provisions under the Panchayat Act to enable the first respondent to take any action. If according to the petitioner, the fourth and fifth respondents are indulging in illegal activities, threatening the petitioner and preventing him from carrying on with his work in the Cow Farm, the petitioner has to work out his remedy only under the criminal law, if any offence is made out. No useful purpose will be served by directing the first respondent to act upon the complaint given by the petitioner. Except giving this clarity, no further orders can be passed in this Writ Petition.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

// 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.

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari District.
- 2.The Block Development Officer,
Village Panchayat,
Munchirai Panchayat Union,
Kanyakumari District.
- 3.The Inspector of Police,
Nithiravillai Police Station,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-20043[F] dated 23/06/2021)

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22.06.2021

AS (06.07.2021) 3P 5C