



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.23281 of 2016

WEB COPY

A.Bosco ... Petitioner

- Vs -

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Office of the Taluk Office,
Vedasandur, Dindigul District.

3.The Commissioner,
Vedasandur Panchayat Union,
Vedasandur Taluk,
Dindigul District.

4.The Village Administrative Officer,
Sri Ramapuram Village Administrative Office,
Malvarpatti Village,
Vedasandur Taluk,
Dindigul District.

5.V.Shanthi
Working as Village Administrative Officer,
Sri Ramapuram Village Administrative Office,
Malvarpatti Village,
Vedasandur Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents No.1 to 3 herein to forthwith remove the sand dumped on the petitioner's property in Survey Numbers 159/1A1 measuring 0.15.5 Hectare, Survey No. 159/1A2 measuring 0.04.5 Hectare and Survey No.159/2C2 measuring 0.41.0 Hectare of Malvarpatti Village, Vedasandur Taluk, Dindigul District and to take necessary action against the fourth respondent and also pay the compensation to the petitioner based on the petitioner's representation dated 28.07.2016.

For Petitioner
For Respondents
1 to 4

: Mr.J.Lawrance
: Mr.M.Karuppasamy
Government Advocate

**ORDER**

The case of the petitioner is that he is the owner of the property comprised in Survey Nos.159/1A2, 159/9 and 159/1A1 situated at Malvarpatti Village, Vedasandur Taluk, Dindigul District. According to the petitioner, the respondents have been illegally dumping the construction materials meant for putting up public buildings in the properties belonging to the petitioner causing him hardship and mental agony. In the circumstances, the petitioner approached the competent authorities by way of sending representations and since the representations did not evoke proper response, the petitioner appears to have approached this Court in W.P.(MD)No.3134 of 2009. This Court was pleased to dispose of the Writ Petition to consider his representation vide its order dated 28.10.2009.

2. Thereafter a meeting of peace committee was held on 09.02.2010 and in the peace committee meeting, on behalf of the respondents, an assurance was given that no construction materials would be dumped in the properties belonging to the petitioner. However, without adhering to the assurance given on behalf of the respondents, once again the construction materials being dumped illegally causing grave hardship. Despite number of representations addressed in this regard and as no action was forthcoming the petitioner is before this Court once again.

3. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 4 would submit that for the same cause of action, a suit was filed in O.S.No.270 of 2010 and the same was also dismissed by the Civil Court on 20.11.2019.

4. In any case, this Court considers the affidavit as bereft of any particular details disclosing any specific cause of action in the Writ Petition. The averments are too sketchy and bald and on the basis of such averments, no direction could be issued in favour of the petitioner. Moreover, the petitioner has chosen to file a suit and having failed in his attempt, cannot maintain this Writ Petition.

5. For the aforesaid reasons, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



SRM
To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Office of the Taluk Office,
Vedasandur, Dindigul District.

3.The Commissioner,
Vedasandur Panchayat Union,
Vedasandur Taluk,
Dindigul District.

4.The Village Administrative Officer,
Sri Ramapuram Village Administrative Office,
Malvarpatti Village,
Vedasandur Taluk,
Dindigul District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-5842[F] dated 18/02/2021)

W.P (MD) No.23281 of 2016
17.02.2021

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