



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4808 of 2022

and

W.M.P.No.4915 of 2022

R.Ramachandran

...Petitioner

.Vs.

1. The Tahsildar,
Sathyamangalam Taluk,
Erode District.

2. The Village Administrative Officer,
Kothamangalam Village,
Sathyamangalam Taluk,
Erode District.

3. Jesuraj

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ in the nature of Writ of Mandamus or any other Writ or order or direction, forbearing the respondents from demolishing the petitioner house and form the 16 feet road on the petitioner house site condition patta in SF.No.148/27 in Nerinjipettai at Kothamangalam Village, Sathyamangalam Taluk, Erode District to an extent of 0.00.80 Hectare, except in accordance with law by considering the petitioner representation dated 10.02.2022.

For Petitioner : Mr.M.Lokesh

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

Writ Petition has been filed seeking forbearing the respondents from demolishing the petitioner house and form the 16 feet road on the petitioner house site condition patta in SF.No.148/27 in Nerinjipettai at Kothamangalam Village, Sathyamangalam Taluk, Erode District to an extent of 0.00.80



Hectare, except in accordance with law by considering the petitioner representation dated 10.02.2022.

2. Mr.A.Anandan, learned Government Advocate takes notice for the respondents 1 & 2.

3. Since no adverse order is being passed against the private respondents, notice to respondent 3 is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property in SF.No.148/27, in Nerinjipettai, Kothamangalam Village Panchayat, Sathyamangalam Taluk, Erode District to an extent of 0.00.80 Hectare. However, at the instigation of the 3rd respondent individual, the 2nd respondent try to alienate the petitioner's property, without due process of law. Hence, the petitioner made representation on 10.02.2022 before the 1st respondent. However, till date, no action has been taken. Hence, the petitioner filed the present writ petition seeking for the aforesaid relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to consider the petitioner's representation dated 10.02.2022 and dispose of the same in accordance with law within a particular time frame fixed by this Court.

6. In view of the above submission, it is clear that the petitioner claims that the 3rd respondent individual is a ward member and he tries to dispossess the petitioner's property. In such situation, the remedy available to the petitioner is only before the competent Civil Court and not before this Court. In view of the above, the prayer sought in the writ petition can not be considered.

7. Accordingly, this writ petition is dismissed. Consequently, the connected miscellaneous petition is also closed. However, liberty is granted to the petitioner to work out his remedy in accordance with law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgi/nhs



To

1. The Tahsildar,
Sathyamangalam Taluk,
Erode District.

2. The Village Administrative Officer,
Kothamangalam Village,
Sathyamangalam Taluk,
Erode District.

+1cc to the Government Pleader, S.R.No.15532

W.P.No.4808 of 2022
and
W.M.P.No.4915 of 2022

PMK (CO)
RN (23/03/2022)