



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28459 of 2012
and M.P.No.1 of 2012

P.Duraisamy

...Petitioner

-Vs-

1.The District Collector,
Villupuram District, Villupuram.

2.The Block Development Officer,
Chinnasalem Panchayat Union,
Chinnasalem,
Kallakurichi,
Villupuram District.

3.The President,
Pakkambadi Panchayat,
Kallakurichi Taluk,
Villupuram District.

4.The Surveyor,
Nainarpalayam Village,
Kallakurichi Taluk,
Villupuram District.

...Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus forbearing the respondents herein and their subordinates from interfering in the petitioners peaceful possession of the property by digging making constructions and forming a drainage in the Patta lands measuring an extent of 6 1/2 cents in S.No.314/9 of Pakkampadi Village Kallakurichi Taluk Villupuram and consequently directing the 1st respondent herein to take action against the 3rd respondent on the complaint of the petitioner dated 31.8.2012.

For petitioner

:

Mr. G.Arul Murugan

For Respondents

:

Mr. A.Anandan
Government Advocate



O R D E R

This Writ Petition has been filed forbearing the respondents herein and their subordinates from interfering in the petitioners peaceful possession of the property by digging making constructions and forming a drainage in the Patta lands measuring an extent of 6 1/2 cents in S.No.314/9 of Pakkampadi Village Kallakurichi Taluk Villupuram and consequently, directing the 1st respondent herein to take action against the 3rd respondent on the complaint of the petitioner dated 31.8.2012.

2. The petitioner is the absolute owner of the property measuring an extent of 6 ½ cents in S.No.314/9 of Pakkampadi Village, Kallakurichi Taluk, Villupuram district. The patta for the above said property stands in the name of the petitioner and the petitioner has constructed a house in the above said property and residing in the said house with his family.

3. That being the situation, the 3rd respondent with the help of the respondents 2 & 4 along with several other men and machinery forcibly trespassed and entered into the petitioner's property and dig a huge trench in front of the petitioner's house, for which, the petitioner lodged a complaint before the jurisdictional police. Based on the complaint, a case has been registered by the Kilkuppam Police Station in Crime No.213/12 against the 3rd respondent and others and thereafter, no action was taken against him. However, the 3rd respondent has been continuously indulging in several activities. Therefore, the petitioner has filed the present writ petition with the afore said prayer.

4. The learned counsel for the petitioner submitted that being the President in the Pakkambadi Panchayat, the 3rd respondent entered into the petitioner's property and illegally dig the trench in front of the petitioner's house, for which, the petitioner lodged a complaint against the third respondent before the Kilkuppam Police Station and a case has been registered against the 3rd respondent and others. Hence, the present petition.

5. The learned Government Advocate submitted that as on date, there is no apprehension for the petitioner with regard to the subject matter.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing on behalf of the respondents and perused the materials available on record.



7. In view of the above submissions made by the learned Government Advocate, this Writ Petition is closed. However, liberty is granted to the petitioner to proceed with the matter in accordance with law, apprehension, if any, arises in future. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

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VGII (CO)
PR (18/04/2022)