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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.3090 OF 2014

Periyammal

... Petitioner

-Vs-

1. The District Collector,
Namakkal District.
2. The District Revenue Officer,
Namakkal District.
3. The Tahsildar,
Rasipuram,
Namakkal District.
4. The Executive Officer,
Namagiripettai Town Panchayat,
Namakkal District.
5. Gunasekaran
6. Chitra

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 more particularly first respondent to consider the petitioner's representation dated 12.12.2013 and pass suitable order on the same by directing 4th respondent not to issue any permission for respondents 5 & 6 for laying pipe line in Survey Nos.422/1B (Hectare 0.09.5), 417 and 418 in Ariyagoundampatti Village, Rasipuram Taluk, Namakkal District.



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For Petitioner : Ms.H.Kavitha
for Mr.S.Sounthar

For Respondents : Mr.V.Ravi
Special Government Pleader
for R1 to R3

Mr.M.Digvijaya Pandian
for R4

Ms.Zeenath Begum
for R5 & R6

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents 1 to 3 not to grant any permission to the 5th and 6th respondents for laying pipe line in S.Nos.422/1B, 417 and 418 in Ariyagoundampatti Village, Rasipuram Taluk, Namakkal District.

2.The 3rd respondent viz., the Tahsildar, Rasipuram has filed a counter affidavit. The 3rd respondent apart from denying the right and title of the petitioner in the subject properties, also has taken the following stand:

5.Being failed in several attempts, now his mother Tmt.Periyammal filed this present writ. The petitioner has no right to object the laying of pipe line through Government Poramboke and Panchayat road porambokes in Survey Nos.422/1B(AWD), 417, 418/Panchayat road for agricultural purpose by 5th & 6th respondents. The writ petitioner has no title or right by adverse possession the Government poramboke land.

6.The respondents 5 & 6 have submitted petition for laying pipe line through government lands and the same is pending before the RDO, Namakkal and the authorities will take a decision in accordance with relevant rules & Government orders. The petitioner does not have any locus stand to say anything in this issue.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4.In the considered view of this Court, the right claimed by the petitioner has already been rejected by the competent civil



court and it has been confirmed up to this Court in S.A.No.490 of 2014. In view of the same, the petitioner has no locus to claim any right over the subject properties. In any event, the applications submitted by the 5th and 6th respondents is pending before the RDO, Namakkal and the said authority will take a decision in accordance with law and the petitioner will not have any say in the said process.

5. In view of the above discussion, this Court does not find any merits in this writ petition and accordingly, this writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The District Collector,
Namakkal District.
2. The District Revenue Officer,
Namakkal District.
3. The Tahsildar,
Rasipuram,
Namakkal District.
4. The Executive Officer,
Namagiripettai Town Panchayat,
Namakkal District.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.17653

+1cc to the Government Pleader, High Court, Madras, S.R.No.18156

W.P.No.3090 of 2014

SJ(CO)
RLP(13/04/2022)