



WEB COPY



W.P.No.31072 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.31072 of 2016

K.Krishnamurthy

.. Petitioner

Vs.

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Executive Officer,
Selection Grade Town Panchayat,
Kattumannar Koil-608 301.
Cuddalore District.

3.G.Kalarani

4.G.Mohan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to forbear the Respondents 3 and 4 from their illegal demolition and reconstruction made in premises bearing Door No.48, Danakara Street, Udayargudi, Kattumannar Koil Taluk, Cuddalore District, Tamil Nadu, comprised in Natham Re-Survey No.81/3, New Survey No.261/1 bound on the North by : Main Road, South by: Sunnambu kolam, East by : Pathway to Sunnambu Kolam and



W.P.No.31072 of 2016

petitioner's House and garden and West by : Natesa Achari House and garden, within the Registration District of Cuddalore and Sub Registration District of Kattumannar Kudi.

For Petitioner : Mr.P.R.Balasubramanian

For R1 and R2 : Mr.E.Vijay Anand
Additional Government Pleader

For R3 and R4 : Mr.V.Thillaisamy

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The present Writ Petition is filed for a direction to the respondents 1 and 2 to forebear the Respondents 3 and 4 from their illegal demolition and reconstruction made in premises bearing Door No.48, Danakara Street, Udayargudi, Kattumannar Koil Taluk, Cuddalore District, Tamil Nadu.

2. Heard Mr.P.R.Balasubramanian, learned counsel appearing for the petitioner, Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents 1 and 2 as well as Mr.V.Thillaisamy, learned counsel appearing for the respondents 3 and 4 and perused the entire materials on record.



3. The learned counsel appearing for the petitioner submitted that adjacent to the petitioner's house on the left side there is a common lane, which has been used by the public to go to a pond called 'Sunnambu Kolam'. He further submitted that the water from the said pond was used for drinking purposes by the people. Whiles, in the year 2013, the respondents 3 and 4, who are the very influential persons have purchased the land located on the left side of the passage. They have encroached the pathway and constructed house in the pathway, which leads to the temple pond. Thereafter, they applied for planning permission from the Executive Officer, Selection Grade Town Panchayat and also started demolishing and constructing their new house by encroaching pathway. Therefore, the petitioner has lodged a complaint before the respondents 1 and 2 to take action against the respondents 3 and 4 for illegal construction put up by them. But the respondents 1 and 2 have not taken any action. Thereafter, the petitioner has made several representations to the respondents 1 and 2 requesting to take action against the respondents 3 and 4 for illegal demolition and reconstruction of the building. Since no action has been taken by the respondents 1 and 2, the petitioner has come out with the present writ petition.



W.P.No.31072 of 2016

4. Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the land in question is classified as 'Natham' and patta was granted in favour of the respondents 3 and 4 and they have constructed building in the said land, after getting building plan approval from the 2nd respondent. Therefore, the contention of the petitioner is liable to be rejected.

5. From the materials on record it is seen that the prayer sought for in the present writ petition is not clear and the petitioner is not entitled for the relief sought for in the present writ petition.

6. Accordingly, the Writ Petition is dismissed. No costs.

(V.M.V., J) (R.H., J)
01.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm



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To

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