



WEB COPY

WP No.17373 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.17373 of 2023

And

WMP No.16586 of 2023

K.Kandasamy

... Petitioner

Vs.

- 1.The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Chennai,
Tamil Nadu.
- 2.The Collector,
Salem District.
- 3.The Deputy Director of Health,
Salem District.
- 4.The Tahsildar,
Salem West Taluk,
Salem District.



5. The Block Development Officer,
Salem Union,
Salem District.

6. The Village Administrative Officer,
Vedukatham Patti Village,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to consider the representation for the respondents 3 to 6 not to put of any construction in respect of bearing Patta No.572 comprised in Royat Punja Survey No.74/8A, 74/14B, 74/18B measuring an extent of 0.88 Ares, 0.23 Ares and 0.15 Ares at Inam Vedugathampatti Village, Salem West, Salem District, based on the representation dated 20.02.2022.

For Petitioner : Mr.T.Subramanian

For Respondents-1 to 4
and 6 : Mr.N.Naveenkumar,
Government Advocate.

For Respondent-5 : Mr.V.Nanmaran

ORDER

The relief sought for in the present writ petition is to direct the third respondent to consider the representation submitted by the petitioner



on 20.02.2022 to the respondents 3 to 6 not to put up any construction in respect of bearing Patta No.572 comprised in Royat Punja Survey No.74/8A, 74/14B, 74/18B measuring an extent of 0.88 Ares, 0.23 Ares and 0.15 Ares at Inam Vedugathampatti Village, Salem West, Salem District.

2. The grievance of the writ petitioner is that the respondents are attempting to construct the Primary Health Centre on the land belonging to the petitioner. The respondents have not measured the land properly and in this regard, the petitioner submitted the representation on 20.02.2022, which was not considered by the respondents. Thus the petitioner is constrained to move the present writ petition.

3. The learned Government Advocate appearing on behalf of the respondents 1 to 4 and 6, based on instructions given by the Tahsildar, Salem (West), made a submission that Survey No.74/1 is the Government Poramboke land and in the said land, the Authorities have granted permission to construct the Primary Health Centre for the benefit of the people of that village.



4. As far as the land belonging to the petitioner is concerned, it is falling in Survey Nos.74/8A and 74/8B. The Authorities are not interfering with the land belonging to the petitioner and the Primary Health Centre is under construction only in respect of the Government Poramboke land and therefore, the present writ petition itself is misconceived.

5. When the respondents have informed that the Primary Health Centre is under construction in respect of the Government Poramboke land, the relief, as such, sought for in the present writ petition deserves no merit consideration. If at all any title dispute exists, it is for the petitioner to approach the Competent Civil Court of Law.

6. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

14-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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2. The Collector,
Salem District.
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S.M.SUBRAMANIAM, J.

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