



W.P.No.3088 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3088 of 2021
W.M.P.No.3477 of 2021

M.Manickam

...Petitioner

-Vs-

1. The District Collector,
Salem District,
Salem Collector Office,
Salem – 1.
2. The Revenue Divisional Officer,
Room No.114,
Salem Collectorate,
Salem – 1.
3. The Thasildar,
Vazhapadi Taluk,
Vazhapadi,
Salem – 636 115.
4. The Village Administrative Officer,
Thuckiampalayam,
Thuckiampalayam Post,
Vazhapadi,
Salem – 636 115.
5. The Block Development officer,
Vazhapadi,
Salem – 636 115.



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6. The Panchayat President,
Thuckiampalayam,
Thuckiampalayam Post,
Vazhapadi Taluk,
Salem – 636 115.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 5 & 6 from interfering with the petitioners peaceful possession and enjoyment of the property by illegal and unlawful demolishing of the fence, cut and remove the valuable trees in patta property at re-survey number 193/15, 193/16, 193/17B and its patta No.797, its extension 2400 sq.ft., at Thuckiampalayam Village, Vazhapadi Taluk, Salem District, without the permission of the respondents 1 to 3.

For Petitioner : Mr.M.Francis Xavier
For Respondents
For R1 to R4 : Mr.S.Arumugam
Government Advocate
For R5 & R6 : No appearance

ORDER

The writ petition has been filed for forbearing the respondents 5 & 6 from interfering with the petitioner's peaceful possession and enjoyment of the property by illegal and unlawful demolishing of the fence, cut and remove the valuable trees in patta property at re-survey number 193/15, 193/16, 193/17B and its patta No.797, its extension 2400 sq.ft., at Thuckiampalayam Village,



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Vazhapadi Taluk, Salem District, without the permission of the respondents 1 to 3.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. On written instructions, the learned Government Advocate appearing for the respondents 1 to 4 submitted that the fourth respondent conducted inspection and submitted report dated 15.02.2021. As per the said report, the cement concrete road was paved during 2005, through the lands comprised in S.Nos.193/15, 193/16, 193/17B. After the period of sixteen years, the petitioner submitted representation as if the respondents 5 & 6 proposed to lay road in his patta land. After laying the road there is absolutely no disturbance to the petitioner from his enjoyment. In fact, the petitioner dig the road and created a hole in the cement road and also prevented the public from using the same. Therefore, it was removed and the entire public are using the road. Further the electricity street light provided for the entire road. The water pipe line was also laid adjacent to the said road. Considering the above facts and circumstances, the prayer sought for in this writ petition cannot be granted and the writ petition is



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devoid of merits and liable to be dismissed.

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4. Accordingly, the Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

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Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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