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W.P.No.13079 of 2024

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 05.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13079 of 2024

V.Suganya

.. Petitioner

Vs

1.The District Collector,
Tirupur District.

2.The Tahsildar,
Avinashi Taluk,
Tirupur District.

3.The Block Development Officer,
Avinashi Taluk,
Tirupur District.

4.The Panchayat President,
Sembianallur Panchayat,
Avinashi Taluk,
Tirupur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 01.05.2024 and consequently, direct the fourth respondent to drop his action of laying



W.P.No.13079 of 2024

water pipe in the land belonging to the petitioner in Survey Nos.62/1, as per patta 62/1A1 and 62/2 in Sembianallur Village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.U.Gokulakrishnan

For R1 to R3 : Mr.S.J.Mohamed Sathik, GA

For R4 : Mr.M.Muthusamy

ORDER

The writ petition has been filed for a direction directing respondents to consider the petitioner's representation dated 01.05.2024 seeking to drop the action of laying water pipe in the land belonging to the petitioner in Survey Nos.62/1, as per patta 62/1A1 and 62/2 in Sembianallur Village, Vainashi Taluk, Tiruppur District.

2. The petitioner's father had purchased the land measuring 26.5 cents comprised in Survey Nos.62/1, as per patta 62/1A1 and 62/2, in Sembianallur Village, Avinashi Taluk, Tiruppur District, through a registered sale deed dated 07.08.1997, bearing Document No.78 of 1998, on the file of Sub-Registrar, Avinashi. Thereafter, his father died on 13.06.2021 and his mother died on 28.04.2022. Subsequently, the



W.P.No.13079 of 2024

petitioner inherited the said property. Whiles, the fourth respondent trespassed into the said property and started digging his land to lay underground pipeline. Objecting the same, the petitioner submitted a representation dated 01.05.2024 to the respondents requesting to drop laying of pipeline in his land.

3. The learned counsel for the petitioner submitted that despite interim stay granted by this Court on 08.05.2024, now, entire pipeline has been laid in the property belonging to the petitioner.

4. On instructions, the learned Government Advocate appearing for the respondents 1 and 3, as well as the learned counsel for the fourth respondent, submitted that the petitioner's father is a real estate businessman and he sold 35 plots showing the road in question as the usage road. The purchasers had obtained approval showing the said road as the road to access their plots. Now, the petitioner is claiming the said road as a private road. In order to provide water supply to the purchasers of the said plots, which were sold by his father, pipeline has been laid to provide drinking water. After the demise of the petitioner's father, now the petitioner is objecting to lay pipeline to the purchasers of the plots



W.P.No.13079 of 2024

WEB COPY
sold out by his father. It is a clear violation of contract and trust. Infact, the plot owners showing the road in question are seeking water connection and other basic amenities.

5. In view of the above, the petitioner cannot have any objection now to lay pipeline for drinking water in the road used by the purchasers of the plots sold out by his father. Therefore, the request made by the petitioner cannot be considered. Accordingly, the writ petition is dismissed as devoid of any merit. No Costs. W.M.P.No.14244 of 2024 is closed.

05.08.2024

Index: yes/no
Neutral citation: yes/no
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W.P.No.13079 of 2024

To
WEB COPY

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G.K.ILANTHIRAIYAN, J.



WEB COPY



W.P.No.13079 of 2024

rkm

W.P.No.13079 of
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