



W.P.No.15061 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.15061 of 2020

and

W.M.P.No.18777 of 2020

1.T.Siranjeevi
2.Kalaivani
3.Jayachandran
4.Muthuraja

... Petitioners

Vs.

1.The Collector,
Cuddalore District,
Cuddalore – 607 001.

2.The Block Development Officer,
Cuddalore – 607 001.

3.The President,
Keezhkumaramangalam Panchayat,
Cuddalore Taluk, Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents from in any manner interfering with the petitioners peaceful possession and enjoyment of S.Nos.35/1C, 35/3, Ac.0.60, S.No.35/1C and 35/3 Ac.0.60,



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S.No.35/1A Ac.0.75, S.No.35/1B Ac.2.25 and 35/1B Ac.1.00 in Odalapattu Village, Cuddalore Taluk, Cuddalore District, except by due process of law.

For Petitioners : Mr.R.Gururaj

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
[R1]
Mr.P.D.Anbarasan [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents from in any manner interfering with the petitioners peaceful possession and enjoyment of S.Nos.35/1C, 35/3, Ac.0.60, S.No.35/1C and 35/3 Ac.0.60, S.No.35/1A Ac.0.75, S.No.35/1B Ac.2.25 and 35/1B Ac.1.00 in Odalapattu Village, Cuddalore Taluk, Cuddalore District, except by due process of law.

2. The case of the petitioners is that, the petitioners 1 and 2 are husband and wife and the petitioners 3 and 4 are brothers and the petitioners own properties adjacent to each other. They have purchased



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properties under sale deeds dated 02.02.1997, 24.02.1997, 13.10.2011, 23.03.2015 and 23.03.2015 and there is no dispute regarding title. A lake down as Peria Eri is on the east and there are channels connecting them. In the guise of desilting the lake and channels, the 3rd respondent is attempting to lay channels across the lands of the petitioners. Hence, the petitioners have made several representations before the respondents, however, no action has been taken on the said representations. Therefore, left with no other alternative, the petitioners have filed the above writ petition before this court for appropriate orders.

3. Though very many grounds have been raised in this writ petition, however, when the matter is taken up for hearing today, the learned counsel for the petitioners submits that, without going into the merits of the case, this court may grant liberty to the petitioner to workout the remedy as against the 3rd respondent before the competent civil court in the manner known to law.



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4. In view of the above, this Writ Petition is dismissed with the above liberty. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Collector,
Cuddalore District,
Cuddalore – 607 001.
- 2.The Block Development Officer,
Cuddalore – 607 001.
- 3.The President,
Keezhkumaramangalam Panchayat,
Cuddalore Taluk, Cuddalore District.

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W.M.P.No.18774 of 2020
in
W.P.No.15061 of 2020

M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of single Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which, this order shall be applicable only to the first petitioner.

13.08.2024

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