



W.P.No.16455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM:

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

W.P.No.16455 of 2024
and W.M.P.No.18009 of 2024

S.Dhanavel

... Petitioner

-Vs-

1. The District Collector,
Kallakurichi District,
Kallakurichi.
2. The Block Development Officer,
Pagandai Koot Road Village,
Vanapuram Taluk,
Kallakurichi District.
3. The Tahsildar,
Vanapuram Taluk,
Vanapuram, Kallakurichi District.
4. The Village Administrative Officer,
Old Siruvangur Village,
Vanapuram Taluk,
Kallakurichi District.
5. The President,
Palaya Siruvangur Village Panchayat,
Vanapuram Taluk, Kallakurichi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the representation of the petitioner dated 30.04.2024

For Petitioner	: Mr.K.Selvaraj
For R1, R3 & R4	: Mr.V.Manoharan Additional Government Pleader
For R2 and R5	: Mr.E.Sundaram Government Advocate

ORDER

This writ petition has been filed for direction directing the first respondent to consider and pass orders on the representation of the petitioner dated 30.04.2024, seeking not to put up any construction in the land comprised in S.No.174/12A ad-measuring 24 cents situated at Palayasiruvangur Village, Old Sankarapuram Taluk, Kallakurichi District.

2. Heard both sides and perused the materials available on record.



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3. The petitioner is in possession and enjoyment of the property comprised in S.No.174/12A, ad-measuring 24 cents situated at Palayasiruvangur Village, Old Sankarapuram Taluk, Kallakurichi District. The said property was derived by the petitioner through his mother's Will dated 27.09.2020. While being so, the fifth respondent interfered with the possession and enjoyment of the subject property. Therefore, the petitioner filed a suit in O.S.No.207 of 2021 before the District Munsif Court, Sankarapuram and obtained *exparte* degree for permanent injunction as against the fifth respondent in the personal capacity. Once again, the fifth respondent attempted to put up construction in the said property and as such, the petitioner submitted a representation.

4. On instructions from the second respondent, the learned Government Advocate appearing for the second and fifth respondents submitted that the land comprised in S.No.174/12A, is classified as Sarkar Poramboke. It is a vacant land. Therefore, the said place was selected for construction of noon meal building and overhead water tank.



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Now, fund was already allotted and construction has been commenced. It is in half way through.

5. Further, a perusal of revenue records is also clear that as per New S.No.401/2014, it is classified as Sarkar Poramboke and it is a vacant site. While being so, the petitioner submitted a representation in order to stall the entire work.

6. In view of the above, the representation submitted by the petitioner cannot be considered and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

19.08.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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