



W.P.No. 5378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.5378 of 2024

and

W.M.P.Nos.5917,5918 and 5920 of 2024

Kousalya

.. Petitioner

Versus

1. The District Collector,
Tiruppur District.
Tiruppur.

2. The Assistant Director,
Panchayats, Erode Zone,
Erode.

3. The Tahsildar,
Palladam, Tiruppur District.

4. The Executive Officer,
Samalapuram Town Panchayat,
Samalapuram Village Palladam Taluk,
Tiruppur District 641 668.

5. The Taluk Surveyor,
Office of the Tahsildar, Palladam,
Tiruppur District.

...Respondents



W.P.No. 5378 of 2024

WEB COPY

Prayer: This petition is filed under article 226 of constitution of India to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.2178/2021/A1 dated 17.12.2021 passed by the first respondent, quash the same and consequently direct the respondents to remove the obstruction made in S.F.No.883 & 884, Samalapuram Villagge, Palladam Taluk, Tiruppur District and maintain the existing road and road poromboke only for the designated purpose and pass orders.

For Petitioner : Mr.K.R. Annamalai for C.Prabhakaran

For Respondents 1,2,3 and 5: Mr. A.M. Ayyadurai, Govt. Advocate

For Respondent 4 : Mr.M. Rajendiran, Addl.Govt.Pleader

For Respondents 4 and 5 : Mr.V.Vishnu

ORDER

This petition is filed for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.2178/2021/A1 dated 17.12.2021 passed by the first respondent, quash the same and consequently direct the respondents to remove the obstruction made in S.F.No.883 & 884, Samalapuram



W.P.No. 5378 of 2024

WEB COPY

Villagge, Palladam Taluk, Tiruppur District and maintain the existing road and road poromboke only for the designated purpose.

2. It is the case of the petitioner that her husband is owning lands in S.F.882/1, 2A & 3 Samalapuram Village, Palladam Taluk, Tiruppur District and they are having access to the said ands through the cart track available in S.F.Nos.883 and 884. The fourth respondent fenced a portion of the cart track in S.F.Nos 883 and 884 adjoining the petitioner's land and obstructed the access to the properties. Thereafter, the fourth respondent vide R.O.C.No.232/2020 dated 05.09.2020 granted permission to construct the overhead tank in the subject area. Challenging the same, the petitioner filed a W.P.No. 4078 of 2021 and this Court vide order dated 07.08.2023 dismissed the writ petition and granted liberty to the petitioner to challenge the order passed by the first respondent in Na.Ka.2178/2021/A1 dated 17.12.2021 in re-classifying the portion of the cart track and transferring the land in favour of the Samalapuram Panchayat. Hence, the petitioner has come out with this petition challenging the order passed by the first respondent in Na.Ka.2178/2021/A1 dated 17.12.2021.



W.P.No. 5378 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that the official respondents are taking all possible stages to defeat the right of the petitioner and passed the impugned order mechanically. Hence, the act of the respondent is illegal and against the principles of natural justice. Hence, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the fourth respondent submitted that the order passed by the first respondent in Na.Ka.No.2178/2021/A1 dated 17.12.2021 is classification of the land pursuant to the name transfer towards the land by the Revenue Department in favour of the Samalapuram Town Panchayat. He further submitted that the petitioner does not have *locus standi* with respect to the change of ownership in favour of Samalapuram Town Panchayat. Hence, there is no necessity to interfere in the order passed by the first respondent.

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



W.P.No. 5378 of 2024

WEB COPY

6.Considering the facts of the case it is made clear that the first respondent has verified all the records and passed the order in Na.Ka.No.2178/2021/A1 dated 17.12.2021 and made classification in the subject lands and accordingly name transfer was also carried out. Thus, the contentions of the petitioner is devoid of merits and the same cannot be accepted by this Court.

7. In view of the above facts it is made clear that there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. Consequently the connected miscellaneous petition are closed. No order as to costs.

27.06.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To



W.P.No. 5378 of 2024

1. The District Collector,
Tiruppur District.
Tiruppur.

2. The Assistant Director,
Panchayats, Erode Zone,
Erode.

3. The Tahsildar,
Palladam, Tiruppur District.

4. The Executive Officer,
Samalapuram Town Panchayat,
Samalapuram Village Palladam Taluk,
Tiruppur District 641 668.

5. The Taluk Surveyor,
Office of the Tahsildar, Palladam,
Tiruppur District.

V.BHAVANI SUBBAROYAN, J.



WEB COPY



W.P.No. 5378 of 2024

smn

W.P.No.5378 of 2024
and
W.M.P.Nos.5917,5918 and
5920 of 2024

27.06.2024