



WEB COPY



W.P.No.32311 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.32311 of 2024
and
W.M.P.No.35093 of 2024

Rajmohan
S/o.Chinnapaiyan

... Petitioner

VS

1. The District Collector,
Office of the District Collector,
Salem District.
2. The Tahsildar,
Office of the Tahsildar,
Omalur Taluk.
3. The President,
Pachanampatti Village Panchayat,
Omalur Taluk, Salem.
4. Murugan,
Timirikottai, Pachanampatti Post,
Omalur Taluk, Salem – 636 455.

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India, 1950 praying to issue a Writ of Mandamus directing the respondents 1 to 4 to not construct buildings in Natham S.No.228/11 of Pachanampatti Village, Omalur Taluk, Salem District, adjacent to the petitioner's house, without leaving sufficient space from the petitioner building.

For Petitioner : Mr.S.Kamalesh Kannan

For R1 to R3 : Mr.M.S.Arasakumar
Government Advocate

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

By our earlier proceedings (owing to representation made at the Bar) we had directed captioned 'Writ Petition' ['WP' for the sake of brevity] to be tagged with W.P.No.18211 of 2021, the same has been done and the two writ petitions have been listed together today but when the matter is taken up today, we find that matter can be disposed of independent of W.P.No.18211 of 2021.

2. Therefore, we proceed to take up the captioned WP with the consent of learned counsel for writ petitioner and the State Counsel for official

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respondents by preserving all the rights and contentions of the 4th respondent.

3.The short point is, land comprised in S.No.228/11 in Pachanampatti Village, Omalur Taluk, Salem District [hereinafter 'said land' for the sake of convenience and clarity] is said to have been classified as 'Grama Natham'. However, we hasten to add that we are not expressing opinion on the same in this order as such opinion is really not necessary for disposal of the writ petition.

4.Learned counsel for writ petitioner submits that R4 is an Anganwadi Contractor and public structure in Anganwadi is being put up adjacent to said land. Learned counsel submits that it would be desirable to locate it a little away from where it is being put up. We are not inclined to agree with this submission. We find that the construction that is being put up is also utilised for public purpose and in any event it is not for the writ petitioner to decide, much less dictate the place where it should be located. In the light of such view which we are taking, captioned WP is dismissed and consequently



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captioned W.M.P. also perishes with the same and the same is also dismissed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

18.11.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

rsi

To

1. The District Collector,
Office of the District Collector,
Salem District.
2. The Tahsildar,
Office of the Tahsildar,
Omalur Taluk.
3. The President,
Pachanampatti Village Panchayat,
Omalur Taluk, Salem.

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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

rsi

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and
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