

S. Krishnasamy Vs. The Block Development Officer, Thoothukudi District and Another

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Court : Chennai Madurai

Decided On : Jun-21-2016

Judge : M. Venugopal

Appeal No. : Writ Petition (MD). No. 9932 of 2016 & WM.P.(MD).No. 7836 of 2016

Appellant : S. Krishnasamy

Respondent : The Block Development Officer, Thoothukudi District and Another

Judgement :

(Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the Respondents from take over the land in Survey No.265-2A of Vilathikulam Village Vilathikulam Taluk Thoothukudi Distrtict except under due process of law.)

1. Heard both sides.
2. By consent, the main writ petition itself is taken up for final disposal.
3. According to the petitioner, he purchased the property in Sy.No.265-2A, measuring an extent of 5018 sq.ft, Vilathikulam Village, Vilathikulam Taluk, Tuticorin District. After purchasing the property, he laid hay in the said property and also cows-shed in the said property. It appears that adjacent to the said land,

there is a government poromboke in Sy.No.263/3.

4. The stand of the petitioner is that the first Respondent/Block Development Officer, Vilathikulam Village, Vilathikulam Taluk, Tuticorin District, constructed a building for E-Seva Centre for Vilathikulam Taluk. In this connection, it is represented on behalf of the petitioner that though the said building was constructed in Government poromboke, the respondents are endeavouring to put up a compound wall within his property. In fact, the grievance of the petitioner is that the official of the respondents are trying to snatch his property, measuring an extent of 400 sq.ft. He also sent a representation in person on 10.04.2016 and also sent a legal notice to the second respondent on 02.04.2016, not to take any land from his property. Since the respondents have not considered the request of the petitioner and are taking coercive steps to take his land without any authority, the petitioner has focussed the instant writ petition praying for passing of an order by this Court in forbearing the respondents from taking his land in Sy.No.265-2A of Vilathikulam Village, Vilathikulam Taluk, Tuticorin District, except by due process of Law.

5. At this stage, it is represented on behalf of the respondents that the building and the compound wall are constructed by the first respondent in Sy.No.643/1C of Vilathikulam Village, Vilathikulam Taluk, Tuticorin District. As such, the Respondents are not making any endeavour to snatch the property of the petitioner, as averred in paragraph No.3 of the writ petition.

6. In view of the aforesaid submissions on the side of the respondents projected by this Court and after recording the same, this Court comes to a consequent conclusion that the petitioner is not entitled to claim the relief as sought for by him in the writ petition. Viewed in that perspective, the writ petition is devoid of merits.

7. In fine, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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