



W.P.(MD)No.5866 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5866 of 2021
and
W.M.P.(MD)No.4600 of 2021

N.N.Anbagalan

... Petitioner

vs.

1.The District Collector,
O/o. the District Collector, Madurai District, Madurai.

2.The Personal Assistant to District Collector (Development),
O/o. District Collector Office, Madurai District, Madurai.

3.The Assistant Director of Village Panchayat,
O/o. the Assistant Director of Village Panchayat,
Collectorate Campus, Madurai.

4.The Block Development Officer,
O/o. the Block Development Office,
T.Kallupatti Panchayat Union, Madurai District.

5.The Panchayat President,
Kenjampatti Village Panchayat,
T.Kallupatti Panchayat Union, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the 5th respondent



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from in any way entering/digging the petitioner's land situated in S.Nos. 235/1B2 and 235/4 it consisting plots Nos.24, 25, 26A, 27A, 28 to 39, 42 to 44, 49(South) 50, 51, 54 to 57, 65 to 73(North) and 75 at Kollampatti Village, Kenjampatti Panchayat, T.Kallupatti, Peraiyur Taluk, Madurai District without any consent of the petitioner for any purpose and considering by the petitioner's representation dated 23.02.2021 within the period that may be stipulated by this Court.

For Petitioner	:Mr.H.Mohammed Nihal for M/s.Ajmal Associates
For R1 to R4	:Mr.B.Saravanan Additional Government Pleader
For R5	:Mr.J.Gunaseelan Muthiah

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus forbearing the fifth respondent from in any way interfering with the possession and enjoyment of the property of the petitioner.

2.The grievance of the petitioner is that he is the absolute owner of the subject property and the fifth respondent was attempting to form a drainage through the subject property. Objections were made by the petitioner and in spite the same, the fifth respondent was attempting to



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interfere with his possession and enjoyment of the subject property.

Under these circumstances, the present Writ Petition has been filed before this Court.

3. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 produced the written instructions received from the fourth respondent. For proper appreciation, the same is extracted hereunder:

□தே.கல்லுப்பட்டி ஊராட்சி ஒன்றியம் கெஞ்சம்பட்டி ஊராட்சியில் கொல்லவீரம்பட்டி உட்கடை கிராமத்தை சேர்ந்த திரு.அன்பழகன் என்பவர் சொந்த இடத்தில் (சர்வே எண் 235/1/B2)ல் கழிவு நீர் வாய்க்கால் அமைக்கப்படவுள்ளதாக சென்னை உயர்நீதிமன்றம் மதுரை கிளையில் வழக்கு தொடர்ந்துள்ளார். ஆனால் கெஞ்சம்பட்டி ஊராட்சி மன்றத்தலைவர் அவர்கள் மனுதாரரின் இடத்தில் ஊராட்சி நிர்வாகம் சார்பாக எந்தவித கழிவுநீர் வாய்க்காலும் அமைக்கப்படவில்லை என தெரிவித்துள்ளார் என்ற விபரத்தினை தெரிவித்துக்கொள்கிறேன்.□

4. The learned Additional Government Pleader submitted that there is no proposal to utilise the property of the petitioner to put up a drainage channel.



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5.In the light of the written instructions given by the fourth respondent and after recording the submission of the learned Additional Government Pleader, this Writ Petition is disposed of. No costs.

6.It is brought to the notice of this Court that the petitioner had submitted a planning permission before the fifth respondent and the same is pending by virtue of the pendency of this Writ Petition. In view of the disposal of this Writ Petition, the planning permission sought for by the petitioner shall be independently considered in accordance with law. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC : Yes/No

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