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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.10654 of 2023

and

W.M.P.(MD)No.9419 of 2023

K.Ben Raja Singh

... Petitioner

vs.

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Sub Collector,
Office of the Sub Collector,
Padmanabhapuram, Thuckalay,
Kanyakumari District.

3.The Executive Officer,
First Grade Town Panchayat,
Kothanalloor, Kanyakumari District.

4.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to permit the petitioner to perform rejuvenation of Varuvettikulam (Ward No.2, Survey No.20/14) Vazhavilagam Kattukulam at



Kothanalloor Town Panchayat in Kanyakumari District under Kalaignar Nagarpura Mempattu Thittam (KNMT) Scheme 2022-2023, as per the work order issued to the petitioner by the third respondent in his proceedings vide Roc.No.280/2022/A1 dated 27.07.2022 and consequential memo proceedings vide Na.Ka.No.280/2022/A1 dated 12.09.2022 on the basis of the petitioner's representation made before the respondents by RPAD dated 24.02.2023.

For Petitioner :Mr.B.Brijesh Kishore
For R1, R2 and R4:Mr.N.Muthu Vijayan
Special Government Pleader
For R3 :Mr.P.Subbaraj

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the first, second and third respondents to permit the petitioner to perform rejuvenation of Varuvettikulam (Ward No.2, Survey No.20/14) Vazhavilagam Kattukulam at Kothanalloor Town Panchayat in Kanyakumari District under Kalaignar Nagarpura Mempattu Thittam (KNMT) Scheme 2022-2023, as per the work order issued to the petitioner by the third respondent.



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2.Heard Mr.B.Brijesh Kishore, learned Counsel for the petitioner, Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents 1, 2 and 4 and Mr.P.Subbaraj, learned Counsel for the third respondent.

3.The petitioner was issued with a work order to perform rejuvenation. This would include that wherever there are pot holes in the street, the same should be filled. But, unfortunately, the allegation of the respondents is that the petitioner instead of filling the holes, had removed the excavated soil and transported it to outside the Panchayat and therefore, when this was informed, the vehicle, which so transported the soil, was also seized and handed over to the police, who had also registered a First Information Report.

4.The petitioner should discharge the work in accordance with the terms and conditions. He should use excavated soil to fill up the holes. Instead of that, he had transported the excavated soil. This would only indicate that the soil is also taken away. The holes remain as they are.



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5.Today the learned Counsel for the petitioner stated that the petitioner will give necessary undertaking to perform the work in accordance with the directions.

6.Let the petitioner therefore go over to the office of the third respondent, give necessary undertaking and thereafter, the third respondent may give fresh directions to the petitioner as to how to discharge the work. Let the work be completed. But this is independent of First Information Report registered against the petitioner, which will have to go through in normal course and which FIR has been lodged before the Judicial Magistrate Court Padmanabhapuram. That will independently proceed. The petitioner should give necessary undertaking and if the third respondent is satisfied with the said undertaking, I would leave it to the discretion of the third respondent to proceed in manner known to law. No further directions can be given. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes

22.06.2023



NCC
cmr

: Yes/No

To

1.The District Collector,
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Kotticode Police Station,
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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.10654 of 2023

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