



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :12.10.2015
CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.17465 of 2015
and
M.P(MD) No.1 of 2015

S.Nedumaran

...Petitioner

Vs.

- 1.The District Collector,
Madurai Collectorate Campus,
Madurai District.
 - 2.The Assistant Executive Engineer,
Periyar Irrigation Channel Division,
Near Government Boys Higher Secondary School,
Melur Post,
Madurai District.
 - 3.The Tahsildar,
The Tahsildar Office,
Melur Taluk,
Madurai District.
 - 4.The Block Development Officer(Rural Development),
Melur Panchayat Union Office,
Melur Taluk,
Madurai District.
 - 5.The Panchayat President,
Therkkutheri Panchayat Office,
Melur Taluk,
Madurai District.
- ...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from constructing the building for the office of 100 days Employment Scheme in Survey Number 256 Pillaiyan Kottaikullam situated at Therkkutheru Village, Melur Taluk, Madurai District and further direct the respondents to remove the obstruction made in S.No.256 and to restore the pathway.

For petitioner

: Mr.M.Saravanakumar

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents

: Mr.S.Kumar,

Additional Government Pleader

**ORDER**

The Writ Petition has been filed praying for a Writ of Mandamus forbearing the respondents from constructing the building for the office of 100 days Employment Scheme in Survey Number 256 Pillaiyan Kottaikullam situated at Therkkutheru Village, Melur Taluk, Madurai District and further direct the respondents to remove the obstruction made in S.No.256 and to restore the pathway.

2. The case of the petitioner is that the petitioner is an practising Advocate and he had purchased a house plot in Survey No.274/8(13 ¼ cents) adjacent to Pillaiyan Kottaikulam. Based on the no objection certificate issued by the fifth respondent, he had purchased the above said land for valid consideration from its original owners and for the above said land, the Government promboke land situated in S.No.256 is shown as pathway to reach the main road. The land in Survey No.256 is originally Pillaiyan Kottaikulam and it is a water course and it is the only source for drinking water for the people residing at Therkkutheru village and it is in existence for more than 100 years. In the village account, taluk account, Village FMB and other revenue records, the land in Survey No.256 is shown as water course tank. Now the local panchayat has started construction of a building for 100 days Employment Scheme in Survey No.256 measuring to an extent of 5 cents by getting Government funds. Some of the farmers objected the same. But the panchayat did not stop the construction. Hence, the petitioner has made a representation on 17.09.2015 before the respondents, along with relevant documents. Since the said representation was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

3. Today when the matter is taken up for consideration, the learned Additional Government Pleader submitted that with regard to the same issue on behalf of the Farmers Association one Mr.V.K.Andi filed a Public Interest Litigation petition in W.P(MD) No.17229 of 2015 and in which, this Court has passed an order dated 23.09.2015 directing the District Collector to conduct an enquiry and pass final orders. He has also produced a copy of the said order.

4. In view of the same, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, the petitioner is directed to give a fresh representation to the District Collector, Madurai, the first respondent herein, within a period of one week from the date of



receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the first respondent to consider the same, purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
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Melur Panchayat Union Office,
Melur Taluk, Madurai District.
- 5.The Panchayat President,
Therkkutheri Panchayat Office,
Melur Taluk, Madurai District.

+1cc to Mr.M.Saravanakumar, Advocate Sr.No.60434

+1cc to Spl.GOvernemnt Pleader Sr.No. 60512

pm

AA/MP/16.10.2015/3p-8c

W.P (MD) .No.17465 of 2015
12.10.2015