



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD)No.8000 of 2015

and

M.P.(MD)No.1 of 2015

P.Marimuthu

..Petitioner

Vs.

1. The Joint Director/
Project Director,
District Rural Development Agency,
Trichy.
2. The Block Development Officer(Taluk),
Thottiyum, Trichy.
3. The Executive Engineer, (R.D),
District Rural Development Agency,
Trichy.
4. The Assistant Executive Engineer(R.D.),
Musiri Division,
Trichy.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from laying pucca road on the eastern and northern portion of the nanja land situated in S.No.97/4 situated in Ariyanampettai, Alakarai Village, Thottiyum Taluk, Trichy District or by constructing the bridge across the Chinna Vaikkal by encroaching the above land, in violation of the order of temporary injunction passed by the civil Court.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader
for R.1, R.3 and R.4
: Mr.R.Mahesh Raja
Government Advocate
for R.2

O R D E R

The petitioner has filed this Writ Petition seeks for issuance of a Writ of Mandamus forbearing the respondents from laying pucca road on the eastern and northern portion of the nanja land situated in S.No.97/4 situated in Ariyanampettai, Alakarai Village, Thottiyum Taluk, Trichy District or by constructing the bridge across the Chinna Vaikkal by encroaching the above land, in violation of the order of temporary injunction passed by the civil Court.

2. Heard the learned Counsel for the petitioner, the learned Additional Government Pleader and the learned Government Advocate appearing for the respondents.



3. When an attempt was made by the Revenue Officials/ District Collector to lay road and put up bridge, the petitioner has approached the civil Court by filing O.S.No.405 of 2012, on the file of the District Munsif Court, Musiri and an order of interim injunction was granted by the civil Court in I.A.No.1290 of 2012 and the same has been made absolute by order dated 21.12.2012. In the said interlocutory application, the first respondent is the Panchayat President, the second respondent is the Commissioner of Panchayat Union, the third respondent is the District Collector, Trichirappalli District and the fourth respondent is the Public Works Department. Now the petitioner is aggrieved by the action taken by the first respondent in attempting to put up a bridge through Chinna Vaikkal with the assistance of the Block Development Officer.

4. The learned Additional Government Pleader, on instructions, submitted that till date administration approval has not been granted for the said project.

5. This submission is supported by the observations contained in the proceedings of the first respondent dated 16.04.2015. In any event, if there is any order of interim injunction against the department, the injunction binds the other subordinate Officials and in the instant case, the Block Development Officer is an authority subordinate to the District Collector and order of injunction is operating against the District Collector. Therefore, the project cannot be implemented until the order of injunction is either vacated or modified.

6. Hence, this Writ Petition is disposed of forbearing the respondents from putting up the bridge across the Chinna Vaikkal till the order of injunction either is vacated or modified. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Joint Director/Project Director,
District Rural Development Agency, Trichy.
2. The Block Development Officer(Taluk), Thottiyum, Trichy.
3. The Executive Engineer, (R.D), District Rural Development Agency,
Trichy.
4. The Assistant Executive Engineer(R.D.), Musiri Division, Trichy.

+1CC to M/s.H.Arumugam, Advocate in SR.25503

+1CC to the Special Government Pleader in SR.25353

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