



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.9191 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

Israel D.Dhayanithi

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Additional Collector,
District Rural Development Officer,
Madurai.

3.The Block Development Officer,
Madurai West Panchayat Union,
Panchayat Union Office Buildings,
Racecourse Road,
Chokkikulam,
Madurai - 625 002.

...Respondents

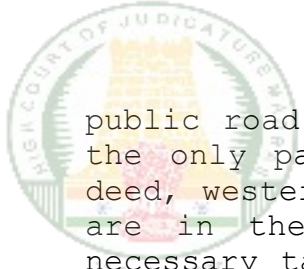
This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from making any construction in the common road situated in S.No.104, Thenur Village, Madurai District and consequently direct the respondents to maintain the road in S.No.104 Thenur Village, Madurai District as common for the public access.

For petitioner : Mr.K.Sekar
For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus forbearing the respondents from making any construction in the common road situated in S.No.104, Thenur Village, Madurai District and consequently direct the respondents to maintain the road as common for the public access.

2. It is averred in the petition that the petitioner is the owner of the agricultural land in S.No.33/1 measuring to an extent of 1 acre and 4 cents situated at Samayanallur Village, Madurai District and he purchased the said land through a registered sale deed, dated 11.09.1996 for valuable consideration. From the date of purchase, the petitioner is cultivating the said land. For the ingress and egress, there is a



public road running north to south touching the railway line and that is the only pathway to approach the petitioner's land. Even in the sale deed, western boundary is mentioned as common road. The revenue records are in the name of the petitioner. The petitioner is also paying necessary tax to the revenue authorities. While the matter stood thus, the respondents constructed a hostel for school students in the common road in S.No.104 abutting the western side of the petitioner's land thereby blocking the access to the petitioner's land. When the petitioner objected the same, the respondents stated that they have left 20 ft. width road on the eastern side of the said building for using as pathway to the petitioner. Now, the third respondent made a proposal to construct a Grama Seva Centre in the remaining pathway. If the proposed building is allowed to be constructed, the petitioner has no other pathway to his land. Hence, the petitioner sent a representation on 05.03.2015 to the respondents requesting them not to proceed with the proposed construction. The same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

3. This Court vide order, dated 09.06.2015, has granted an order of status-quo and for which, the third respondent filed M.P(MD)No.2 of 2015 to vacate the said order stating that by considering the objection letter given by the petitioner, dated 05.03.2015, now the village panchayat is providing 23 feet road as an access to the petitioner's agricultural land and hence, the construction of village service center will not be in any way hindrance to the petitioner.

4. In view of the above statement, I am of the opinion that there is no need to pass a specific order in the Writ Petition. Hence, recording the statement of the third respondent, this Writ Petition is closed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District,
Madurai.

2.The Additional Collector,
District Rural Development Officer, Madurai.

3.The Block Development Officer,
Madurai West Panchayat Union,
Panchayat Union Office Buildings,
Racecourse Road, Chokkikulam, Madurai - 625 002.

+1cc to Mr.K.Sekar, Advocate SR.No.54065

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