

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.4871 of 2016  
and  
W.M.P. No.4233 of 2016

Rahmath Girls' Matriculation Hr. Secondary School,  
rep. by its Correspondent,  
Abdul Kassim Nagar,  
140 Pattukkottai Road,  
Muthupettai 614 704,  
Thiruvarur District.

... Petitioner

Vs.

1. The District Collector,  
Thiruvarur District,  
Thiruvarur.
2. Muthupettai (Selection Grade) Town Panchayat  
rep. by its President,  
Muthupettai 614 704,  
Thiruvarur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to forthwith consider the appeal of the petitioner dated 21.08.2015 presented against the order of the 2nd respondent in Na.Ka.No.544/2014/A2, dated 11.08.2015 and the representation dated 06.02.2016 seeking to permit the students, staff and the management of the petitioner school to continue to maintain and use the bridge in Survey No.230 of Thuraikkadu Village, Muthupettai Town Panchayat, Thiruvarur District connecting the main gate of the petitioner school and Pattukkottai Main Road subject to any condition that may be imposed by this Court.

For petitioner : Mr. K. Doraisamy  
Sr. Counsel  
for  
M/s. Muthumani Doraisamy

For respondents : Mr. P.S. Sivashanmugasundaram  
Special Government Pleader-R1 & R2

ORDER

(Order of the Court was made SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a writ of mandamus directing the first respondent to forthwith consider the petitioner's appeal dated 21 August 2015 preferred against the order of the 2nd respondent in Na.Ka.No.544/2014/A2, dated 11 August 2015 and also the petitioner's representation dated 06 February 2016 seeking to permit the students, staff and the management of the petitioner school to continue to maintain and use the bridge in Survey No.230 of Thuraikkadu Village, Muthupettai Town Panchayat, Thiruvavarur District connecting the main gate of the petitioner school and Pattukkottai Main Road.

3. The case of the petitioner school is that it has preferred an application seeking the Panchayat Inspector, i.e. the District Collector to invoke power under the provisions of Section 202 of the Tamil Nadu Panchayats Act, 1994 to stop removing the bridge constructed over the Chekkadi Odai to reach the school, which is not obstructing the water course and that, till the disposal of the aforesaid application, no action be taken for removal of the said bridge.

4. Learned Special Government Pleader appearing for the respondents submits that the petitioner's application for invoking the power of the Inspector of Panchayat is pending consideration as it appears from the copy of the application annexed to the petition. If the said application is still pending consideration, the same will be considered and decided on its own merits and in accordance with law within a period of four weeks.

5. In view of the above submission of the learned Special Government Pleader, it is ordered accordingly. In the meantime,

the petitioner is granted liberty to approach the Panchayat Inspector/District Collector for interim relief also, if so advised. If such an application is filed within a period of one week, the Inspector of Panchayat/District Collector shall consider the same as well and take a decision expeditiously on its merit.

The writ petition stands disposed of with the above observations. No costs. Connected W.M.P.No. 4233 of 2016 is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ra

To

1. The District Collector,  
Thiruvarur District,  
Thiruvarur.
2. Muthupettai (Selection Grade) Town Panchayat  
rep. by its President,  
Muthupettai 614 704,  
Thiruvarur.

+4cc's to M/s. Muthumani Doraisamy, Advocate, S.R.No.8205

W.P. No.4871 of 2016

RSK(CO)  
CA(10/02/2016)

सत्यमेव जयते

WEB COPY