



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14729 of 2016

A.Thangamalai

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director(Panchayats),
Office of the Assistant Director of Rural Development,
Virudhunagar Town & District.

3.The Tahsildar,
Taluk Office, Srivilliputtur Town,
Virudhunagar District.

4.The Block Development Officer (Village Panchayat),
Watrap Panchayat Union,
Srivilliputtur Taluk,
Virudhunagar District.

5.The President,
Coonoor Panchayat,
Coonoor, Srivilliputhur Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to restore the 30 feet road in S.No.893/7 in Coonoor Village, Watrap Panchayat Union of Srivilliputtur Taluk by implementing the order of the second respondent herein, dated 23.03.2016 and also the proceedings of the fourth respondent herein, dated 28.06.2016 and put the same as road utility of all residents of Sapthagiri Nagar, Coonoor village, Srivilliputhur Taluk.

For petitioner

:Mr.M.Thirunavukkarasu

For R-1 to R-3

:Mr.S.Kumar,

Additional Government Pleader

For R-4 & R-5

:Mr.V.Muruganandham,

Additional Government Pleader



O R D E R

The Petitioner Mr.A.Thangamalai, claiming to be the Organizer of Sapthagiri Nagar Residential Welfare Association, which was formed to look after the affairs of the said Sapthagiri Nagar like drinking water, pathway, drainage & lighting facilities etc., has filed this Writ Petition, seeking for the issuance of a Writ of Mandamus directing the respondents to restore 30 feet Road in S.No.893/7 of Coonoor Village, Watrap Panchayat Union, Srivilliputtur Taluk, by implementing the orders of the second and fourth respondents, dated 23.03.2016 and 28.06.2016 respectively.

2. It is the claim of the petitioner that the vendor of the land having gifted 30 feet Road to the panchayat, now illegally, an attempt is made to convert the said 30 feet Road into house plots and if such action is not prevented, the petitioner and other co-residents living in Sapthagiri Nagar would be put to great problem. In this regard, a representation was given to all the respondents on 20.03.2016, and the second respondent has already passed an order on 23.03.2016, directing to maintain the 30 feet Road.

3. The learned counsel for the petitioner has brought to the notice of this Court, the proceedings of the Block Development Officer, (Village Panchayats), Watrap Union, Srivilliputhur Taluk, Virudhunagar District, dated 28.06.2016, wherein, the said Authority has reiterated the existence of 30 feet Road in that locality and the importance for its preservation. Therefore, according to the learned counsel, if the representation made by the petitioner, is directed to be considered, no-one would be put to any prejudice.

4. Mr.S.Kumar, learned Additional Government Pleader, takes notice for respondents-1 to 3 and Mr.V.Muruganandham, learned Additional Government Pleader takes notice for respondents-4 and 5.

5. Since the proceedings issued by the second and fourth respondents are clear that the 30 feet road in S.No.893/7 in Coonoor Village, Watrap Panchayat Union of Srivilliputtur Taluk, needs to be preserved, this Court finds no impediment to direct the third respondent to consider the representation of the petitioner.

6. Accordingly, the Tahsildar, Srivilliputhur Town, Virudhunagar District, is hereby directed to consider the representation of the petitioner, dated 20.03.2016, in the light of the proceedings issued by the second and fourth respondents and ~~pass an order in the same~~ the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar(AE)

/True copy/

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Sub Assistant Registrar

To

1.The District Collector, Virudhunagar District, Virudhunagar.

2.The Assistant Director(Panchayats),
Office of the Assistant Director of Rural Development,
Virudhunagar Town & District.

3.The Tahsildar,
Taluk Office, Srivilliputtur Town, Virudhunagar District.

4.The Block Development Officer (Village Panchayat),
Watrap Panchayat Union,
Srivilliputtur Taluk,
Virudhunagar District.

+1cc to MR.M.Thirunavukkarasu, Advocate SR.No.43938

PM

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