



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2017

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**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A.(MD)No.1343 of 2016
and
C.M.P.(MD)No.9754 of 2016

S.Ramakrishnan

... Appellant

Vs.

1.The Principal Secretary to State of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat, Fort St.George, Chennai - 09.

2.The District Collector,
Sivagangai,
Sivagangai District.

3.The President,
Ariyakudi Panchayat,
Karaikudi Taluk,
Sivagangai District.

4.The Block Development Officer,
Ariyakkudi Panchayat,
Sakkottai Union,
Sivagangai,
Sivagangai District.

5.The Executive Engineer,
TWAD Board, RWS Division,
Sivagangai,
Sivagangai District.

6.The Assistant Engineer- Distribution,
TANGEDCO, Karaikudi,
Sivagangai District

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent,
against the order of dismissal passed by the learned Single Judge
in Writ Petition in W.P.(MD)No.1262 of 2016, dated 12.04.2016.

Prayer in WP(MD). 1262/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF MANDAMUS directing the respondents to close the well, borewell and also remove the Electricity pole and connection obtained by the 3rd respondents name under service no.403-013-2774, Sintax water tank from the petitioners property in Survey No.220/1 situated in the Ariyakkudi Panchayat, Karaikudi Taluk of Sivaganga District and also demolish the midway and abandoned construction of OHT water tank undertaken by the 5th respondent and remove all the belongings of the respondents and award Rs.6,00,000/- as compensation for the wrongful and tortuous acts of the third respondent.

For Appellant	: Mr.S.Siva Ilayaraja
For R1 to R4	: Mr.M.Murugan
	Government Advocate
For R5 and R6	: No appearance

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

The Writ Appeal is directed against the order of the learned single Judge, who after noting the existence of fact, which are disputed, gave liberty to the appellant to file a civil suit.

2. The learned counsel for the appellant once again went into the disputed questions of fact, these are with respect to the order on which the Well and other construction have been made. The other dispute is with respect to a letter alleged to have been given by the appellant.

3. As rightly held by the learned single Judge, these issues also bordering of questions of fact being disputed by the parties. Thus, we do not find any error in the order passed by the learned single Judge. Accordingly, the Writ Appeal stands dismissed. However, once again reiterated the observation made by the learned single Judge that the appellant can file a comprehensive civil suit and as and when the same is filed, it has to be decided on its own merits and without being influenced by the order passed by the learned single Judge as well as the order passed by us. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

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- 5.The Assistant Engineer Distribution,
TANGEDCO,
Karaikudi,
Sivagangai District

+One cc to Mr.S.Siva Ilayaraja, Advocate, SR.No.79638

+One cc to Mr.P.Mahendran, Advocate, SR.No.79810

+One cc to The Special Government Pleader, SR.No.79878

akv

RL/9C/3P/SKN/RSK/SAR1/3/10/2017

W.A. (MD) .No.1343 of 2016

19.09.2017