

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 01.09.2017****CORAM :**

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.13390 of 2017**and****W.M.P. (MD) Nos.10469 and 11060 of 2017**

T.Ranjith Kumar

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Trichy.

2.The Executive Engineer,
Having Office at Collectorate,
Trichy.

3.The Project Officer,
The District Rural Development Agency,
Having Office at Collectorate,
Trichy.

4.The Block Development Officer,
Manikandam Panchayat Union,
Trichy.

5.The Revenue Divisional Officer,
Srirangam, Trichy.

6.The Tahsildar,
Srirangam, Trichy.

7.Raja @ Karuppiah

8.Muthukannu

(R7 and R8 are suo motu impleaded vide
Court order dated 10.08.2017

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to stop laying of road over and noave the Vari channel and bunds in S.F.No.177 in Sannasipatti hamlet, Mathur Village, Srirangam Taluk, Trichy District.

<https://hcservices.reports.gov.in/hcservices/>

For Petitioner : Mrs.P.Sona Alagesh



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For Respondents : Mr.M.Govindan,
Special Government Pleader
for RR1 to 3, 5 & 6
Mr.K.P.Krishnadoss for R4
No Appearance for RR7 and R8
Mr.P.M.Basil Advocate Commissioner

ORDER

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed by a resident of Sannasipatti hamlet, Mathur Village, Trichirappalli District. His complaint is that a road is being laid over and above the vari channel and bund in S.F.No.177, Sannasipatti hamlet.

2.It is his further allegation that laying of the road is intended to provide access to the lands belonging to the eighth respondent herein.

3.This Court appointed an Advocate Commissioner to find out if the proposed road is intended to benefit any residents. The Advocate Commissioner has confirmed the allegation of the writ petitioner that he could not view any house or schools in the vicinity.

4.We are therefore clearly of the view that the very formation of the road is for offering access to the lands of the eighth respondent herein. But, it appears that public funds have been expended already for laying the road. Therefore, the authorities cannot be completely restrained as sought for by the writ petitioner. However, we see considerable force in the submission that the vari in question should be maintained as such. In other words, the dimensions of the vari as found in the revenue records are to be preserved. A strong allegation has been made to the effect that for laying this road, the width of the vary has been narrowed. We therefore direct the respondents 2 to 4 to restore the vari to its original dimensions. The said respondents are restrained from laying any road either on the vari or on the bund. The breadth of the proposed road shall not be beyond 10 feet. It is also made clear that no culvert or bridge shall be built over the vari so as to benefit the eighth respondent to access his lands through the road now being formed. Since it is stated that on account of formation of the road, the vari bund had been weakened, we direct construction of a retention wall also to strengthen the bund.

5.With these directions, this writ petition is disposed of. The respondent authorities are directed to ensure that there is no encroachment committed in respect of the said vari at any point of time in the future also and if any such encroachment is noticed, the



same shall be removed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

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Sub Assistant Registrar

To

- 1.The District Collector, Collector Office, Trichy.
- 2.The Executive Engineer, Having Office at Collectorate, Trichy.
- 3.The Project Officer,
The District Rural Development Agency,
Having Office at Collectorate,
Trichy.
- 4.The Block Development Officer,
Manikandam Panchayat Union, Trichy.
- 5.The Revenue Divisional Officer, Srirangam, Trichy.
- 6.The Tahsildar, Srirangam, Trichy.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 76236

+1cc to Mr.M.SIDDHARTHAN Advocate in SR. No. 76500

ARUL/SKM

JS/MR.KKR/SAR.2/20.09.2017/3P-9C

W.P (MD) No.13390 of 2017
01.09.2017