



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.20843 of 2017

S.Kulasekaran : Petitioner

.vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tenkasi Office,
Tenkasi, Tirunelveli District.
- 3.The Tahsildar,
Kadayanallur Tahsildar Office,
Tirunelveli District.
- 4.S.Mupudathi
- 5.P.Muthukumar : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the Third Respondent to remove the barbed wires put up and encroached in a portion by the Respondents 4 and 5 in 15 ft mud road in Poramboke Natham S.No.412 from Melapillaiyar Kovil to Government Primary Health Centre and Government Veterinary Hospital to Ormelazhagiyan Village, Kadayanallur Taluk, Tirunelveli District based on the memo issued by the Second Respondent dated 31.05.2017 to the Third Respondent and to lay tar road within stipulated time fixed by this Court.

For Petitioner	: M/s.M.S.Suresh Kumar
For Respondents 1 to 3	: Mr.T.R.Janarthanan Additional Govt.Pleader
For Respondents 4 and 5	: Notice dispensed with vide order of this Court dated 13.11.2017



O R D E R

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[Order of the Court was made by M.VENUGOPAL, J.]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the Third Respondent to remove the barbed wires put up and encroached in a portion by the Respondents 4 and 5 in 15 ft mud road in Poramboke Natham S.No.412 from Melapillaiyar Kovil to Government Primary Health Centre and Government Veterinary Hospital to Ormelazhagiyan Village, Kadayanallur Taluk, Tirunelveli District based on the memo issued by the Second Respondent dated 31.05.2017 to the Third Respondent and to lay tar road within stipulated time fixed by this Court.

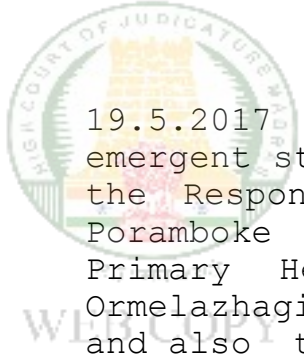
2.Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader appearing for the Respondents 1 to 3. To avoid an avoidable delay, notice to the Respondents 4 and 5 is dispensed with.

3.By consent, the main Writ Petition itself is taken up for final disposal at the admission stage itself.

4.According to the Petitioner, he and other residents are living in Pon Vizha Veedhi, Ormelazhagiyan Village, Kadayanallur Taluk, Tirunelveli District and they are doing agricultural and other Milk Vending business along with allied poultry business. The version of the Petitioner is that the residents of the locality had taken a twisting pathway from Melapillaiyar Kovil in S.No.412 to reach the Government Primary Health Centre and Veterinary Hospital, for the treatment of cattle. In that land, for the past 40 years, the Villagers use the twisted pathway with no metal roads to reach the other side of the Primary Health Centre , for treatment.

5.The case of the Petitioner is that during Emergency and Child Birth serious conditions, while taking the patients through the 15 ft pathway which is narrow and twisted, some patients had to undergo great pain and they suffer much, leading to serious hazards.

6.The Petitioner in the present Writ Petition has come out with a stand that the Respondents 4 and 5(private persons) had put up fencing wires in between the 15 ft pathway, thereby blocking the pathway/access to the Primary Health Centre and Veterinary Hospital from Melapillaiyar Kovil. When the residents had collectively made complaints to the Government Officials, according to the Petitioner, no steps have been taken by the Official Respondents and further, there is no answer in this regard. The Petitioner on his behalf and on behalf of the Villagers had addressed a representation, dated



19.5.2017 before the Official Respondents requiring them to take emergent steps to remove the barbed Wires and encroachment put up by the Respondents 4 and 5 in one portion of 15 ft mud road in Poramboke Natham S.No.412 from Melapillaiyar Kovil to Government Primary Health Centre and Government Veterinary Hospital to Ormelazhagiyan Village, Kadayanallur Taluk, Tirunelveli District and also to lay a tar road in 15 ft pathway.

7.The Fourth Respondent had refused to receive his representation, dated 19.5.2017 and the cover was returned, however, the Second Respondent /The Revenue Divisional Officer, Tenkasi Office, Tenkasi, Tirunelveli District, by means of a memo dated 31.5.2017 had directed the Third Respondent /The Tahsildar, Kadayanallur Tahsildar's Office, Tirunelveli Office, Tirunelveli District to look into the matter and remove the encroachment made by the Respondents 4 and 5 and to make the pathway without any obstruction to the Health Centre. Since even after two months no positive action has been taken, he has filed the present Writ Petition.

8.Considering the fact that the Petitioner's representation dated 19.5.2017 in the subject-matter in issue is pending and also this Court, taking note of the plight of the Petitioner and patients who found it difficult during Emergency and Child Health Serious Conditions to reach the Primary Health Centre, because of the putting up of barbed wire by the Respondents 4 and 5, this Court in the interest of justice and fair play, directs the First Respondent/The District Collector, Tirunelveli District to immediately to look into the representation of the Petitioner, dated 19.5.2017 without any delay whatsoever and also to bestow its personal attention to dispose of the representation of the Petitioner dated 19.5.2017 and also to take a tangible, effective and efficacious steps to remove the encroachment allegedly put up by the Respondents 4 and 5 in one portion of the 15 ft pathway, so as to enable the Petitioner's villagers and the patients to reach the Primary Health Centre during Emergency and Child Birth serious health conditions. If situation so warrants/need be , it is open to the District Collector,,Tirunelveli District to issue necessary notice to the Respondents 4 and 5 to hear them personally and also after taking their objections/representations/remarks in the subject- matter in issue, is to pass necessary orders, in any event within a period of two weeks from the date of receipt of a copy of this order.

9.With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)



To

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi Office,
Tenkasi, Tirunelveli District.

3.The Tahsildar,
Kadayanallur Tahsildar Office,
Tirunelveli District.

+One cc to Mr.M.S.Suresh Kumar, Advocate, SR.No.86741

+One cc to The Special Government Pleader, SR.No.86853

vsn

RL/6C/4P/SV/MMS/SAR4/20/11/2017

ORDER MADE IN

W.P.(MD)No.20843 of 2017

13.11.2017