



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 6892 of 2017

S.Kathalingam

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Collectorate Campus,
Madurai.

2. The Divisional Engineer,
Construction and Maintenance
Highways Department,
Azhagar Kovil Road,
Madurai-2.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.03.2017 to lay pacca tar road in Government Highways land measuring 19 cnets in Survey No.226/4A (New Survey No.226/1B), Madakulam Village, Bye-Pass Road, S.S.Colony, Madurai.

For Petitioner : Mr.M.S.Sureshkumar

For R - 1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For R - 2 : Mr.V.Vinayaga Moorthy

ORDER

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner earlier filed a Writ Petition in W.P(MD) No.12957 of 2016, directing the respondents herein along with the Commissioner of Madurai Corporation to remove the encroachment stated to have been made in respect of the property in Survey Nos.226/4A and 226/4B, Madakulam Village situated on the Bye-Pass Road at S.S.Colony, Madurai and to lay a tar road. This Court declined to grant the relief as prayed for by the petitioner. The petitioner once again filed the present writ petition for the very same relief. We are, therefore, of the view



that the petitioner is not entitled to invoke the equity jurisdiction.

2. There is one more factor in this writ petition. The Divisional Engineer, Highways Department contended that there is a proposal to construct a fly over at Kalavasal Junction at km 437/10 of Varanasi - Kanyakumari Road (Abandoned NH7) (SHU 100) as per the Government Order in G.O.Ms.No.143 (Highways and Minor Ports (HS 1) dated 19.04.2013 and in the said project all the necessary improvements would be included. In view of the said submission, there is no basis for the apprehension raised by the petitioner.

3. We do not appreciate the manner in which the writ petition is filed one after another without disclosing the factum of filing similar earlier petition.

4. We therefore dismiss the writ petition with cost quantified at Rs.5,000/- (Rupees Five Thousand Only). The cost amount shall be paid to the Corporation of Madurai. The amount shall be used for providing drinking water facilities to the poor residents of the local area. In case, the amount is not paid, we grant liberty to the District Collector, Madurai to collect the amount treating it as an arrear of land revenue.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Collectorate Campus,
Madurai.

2. The Divisional Engineer,
Construction and Maintenance
Highways Department,
Azhagar Kovil Road,
Madurai-2.

+1cc to M.S.Sureshkumar, Advocate SR.No.67067

+1cc to The Spl.Government Pleader SR.No.67617

PS/SM

VB/SV/SAR1/27.07.2017/2P/5C

W.P. (MD) No. 6892 of 2017
21.07.2017