



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.24711 of 2016

and

W.M.P(MD)No.17816 of 2016

Kanthaiah

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Cheranmadevi, Tirunelveli District.

3. The Tahsildar,
Cheranmadevi, Tirunelveli District.

4. The Executive Officer,
Pathamadaai Panchayat,
Pathamadaai Village,
Tirunelveli District.

5. The Assistant Director (Town Panchayat),
Office of the Director Office,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to stop any or further construction of Anganwadi Building at Pathamadaai Village, Tirunelveli District and further direct to identify a better and safer place with all amenities for Anganwadi Building at Pathamadaai Village, Tirunelveli District.

For Petitioner

: Mr.N.Mohideen Basha

For Respondents

: Mr.D.Muruganandam,

1, 2, 3 and 5

Additional Government Pleader.

For Respondent No.4

: Mr.C.Selvaraj

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

<https://hcservices.ecourts.gov.in/hcservices/> This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to stop



further construction of Anganwadi Building at Pathamadai Village, Tirunelveli District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Pathamadai Village, Tirunelveli District, wherein the respondents have attempted to construct an Anganwadi Building by way of encroaching village panchayat road and thereby causing nuisance to the general public. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has advanced his argument only on the basis of averments made in the writ petition.

4.The learned Additional Government Pleader appearing for the respondents 1, 2, 3 and 5 has contended that in Pathamadai Village, Survey No.693/1 has been classified as a poromboke land wherein after getting proper sanction attempts have been made to put up Anganwadi Building and therefore the relief sought in the present petition cannot be granted.

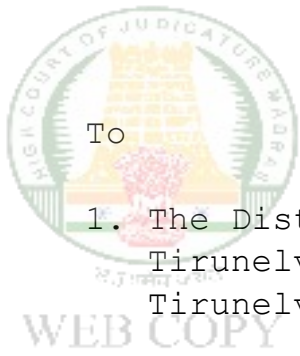
5.In fact this Court has seen certain photographs filed along with the petition and ultimately found that the proposed building is going to be constructed adjacent to village panchayat road and some of the building materials have been placed in a portion of the road. Therefore it is quite clear that a village panchayat road is situate adjacent to the place where proposed Anganwadi Building is going to be constructed. Under the said circumstances, this Court is of the view to pass the following order.

6.In fine, the respondents are directed to measure the width of the road as per revenue record and encroachments should not be made if sufficient space is available apart from the road in Survey No.693/1 the respondents are at liberty to put up Anganwadi Building. Further the respondents are directed to remove building materials from the road immediately. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Cheranmadevi, Tirunelveli District.
3. The Tahsildar,
Cheranmadevi, Tirunelveli District.
4. The Executive Officer,
Pathamadaai Panchayat,
Pathamadaai Village,
Tirunelveli District.
5. The Assistant Director (Town Panchayat),
Office of the Director Office,
Tirunelveli District.

+1cc to Mr.N.Mohideen Basha, Advocate, SR.No.1226

+1cc to Special Government Pleader, SR.No.863

ORDER MADE IN
W.P (MD) No.24711 of 2016
and
W.M.P (MD) No.17816 of 2016
04.01.2017

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MK/GSV-SV/19.1.2017/3p/8c