

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.12517 of 2016
W.M.P.No.10832 of 2016

S.Aswin

...Petitioner

Vs.

1. The Executive Officer,
Thirumurganpoondi Town Panchayat,
Rakiapalayam Village,
Avinashi Taluk- Tiruppur District.

2. The District Collector,
Tiruppur District,
Tiruppur.

3. The District Revenue Officer,
Tiruppur District, Tiruppur.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the 1st respondent, its men, agents, servants, subordinates or any one acting under them from in any manner obliterating the pathway / cart track or put up any superstructure / water head tank / storage tank or any other building in Survey Nos.568, 569 and 570 along with the cart track / pathway abutting the aforesaid Survey Numbers running East to West situated at Ward No.8, Thirumurganpoondi Town Panchayat, Rakiapalayam Village, Avinashi Taluk, Tiruppur District.

For Petitioner : M/s.T.Ravichandran
For Respondents : Mr.B.Anand, G.A.

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

2. This Writ Petition has been filed, seeking issuance of a Writ of Mandamus, forbearing the respondents, from obliterating

the pathway / cart track or put up any superstructure / water overhead tank / storage tank or any other building in Survey Nos.568, 569 and 570 at Ward No.8, Thirumuruganpoondi Town Panchayat, Rakiapalayam Village, Avinashi Taluk, Tiruppur District.

3. According to the petitioner, a land measuring an extent of 2.25 acres in Survey No.568 situated at Rakiapalayam Village belonging to his family and there is a pathway cum cart track in Survey Nos.568 and 569, which is in existence for more than 6 years and the officials of the 1st respondent visited the land in Survey Nos.568 and 569 for construction of overhead tank by obliterating the existing pathway.

4. The petitioner claims that the cart track is the only access to the Village people of Rakiapalayam. So, any construction and erection of overhead tank would cause prejudice to them.

5. The learned Government Advocate by referring to the letter of the 1st respondent dated 22.03.2018, submitted that the 1st respondent had already constructed an overhead tank in Survey No.575 in the year 2015-16 with the capacity of 60,000 litres and it has been put to public use for the past 1 1/2 years.

6. In view of the submission of the learned Government Advocate, and the letter of the 1st respondent dated 22.3.2018, this Writ Petition is closed as no further adjudication is required. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Executive Officer,
Thirumurganpoondi Town Panchayat,
Rakiapalayam Village,
Avinashi Taluk- Tiruppur District.

2. The District Collector,
Tiruppur District, Tiruppur.

3. The District Revenue Officer,
Tiruppur District, Tiruppur.

+lcc to the Government Pleader SR.No.24324

WP.No.12517 of 2016

SDR 17.04.2018



WEB COPY