



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.22148 of 2017

K.Natarajan .. Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort. Saint George,
Secretariat, Chennai-9.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Assistant Executive Engineer,
Public Work Department, Ram Nagar,
Devakottai, Sivagangai District.

4.The District Revenue Officer,
Sivagangai, Sivagangai District.

5.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

6.The Tahsildhar,
Thiruppathur Taluk,
Sivagangai District.

7.The Village Administrative Officer,
Mallakottai Village,
Ariyur Post,
Thiruppathur Taluk,
Sivagangai 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 herein to consider and pass appropriate orders on the representation of the petitioner dated 17.11.2017 sent for the purpose of forming a public road in the northern corner side of the Thatchanenthal Odai Kanmoi situate at Mallakottai Village,



Thiruppathur Taluk, Sivagangai District in order to reach the main road connecting Melur, in Madurai District to Kattanipatti Village in Sivagangai District.

For Petitioner

: Mr.A.Saravanan

For Respondents

: Mr.A.K.Baskara Pandian
Special Government Pleader.

ORDER

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

Though the Writ Petition is filed as a Public Interest Litigation, in the considered opinion of this Court, it is not so, for the reason that admittedly, the petitioner is the owner of the patta land in Survey Nos.201/2B1 and 201/2B2 and to take access to the said land, filed the present writ petition seeking appropriate direction, directing the concerned Authorities to lay a road.

2. The learned Counsel appearing for the petitioner would submit that it is enough by directing the Tahsildar, Thiruppathur Taluk to response to the communication of the Sub-Collector, Devakottai, dated 03.03.2016 in Na.Ka.No.A3/1405/2016, for laying the road.

3. Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents would submit that the sixth respondent has sent a communication dated 10.01.2018 in Na.Na.No.A3/4086/2017, wherein she has indicated that the request sought for by the petitioner to lay a road along with the water course, cannot be done for the reason that such kind of activity is prohibited on the water course/ water body through the Government orders as well as the orders passed by this Court and as such, the request sought for by the petitioner cannot be granted.

4. The above stated communication, dated 10.01.2018 sent by the sixth respondent is taken on file and recorded.

5. In the light of the stand taken by the sixth respondent, the request sought for by the petitioner to lay a road on the northern side of the water body in Survey No.206 is incapable of compliance. However, it is open to the petitioner or other neighbouring owners to acquire lands for the purpose of leaving access through private negotiations and on effecting the same, it is open to them to approach the concerned respondent for laying the road.



6. The Writ Petition is dismissed subject to the above observations. No costs.

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Sd/-
Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government, The State of Tamil Nadu,
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Thiruppathur Taluk,
Sivagangai District.

+One cc to Mr.A.Saravanan, Advocate, SR.No.42570

ssl/vsg
RL/9C/3P/SKN/RSK/SAR1/1/2/2018

ORDER MADE IN
W.P (MD) No.22148 of 2017