

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 30497 of 2018

K. Rajan

.... Petitioner

Vs

1. The Chief Secretary,
(Govt. of Tamil Nadu),
Secretariat, Fort St.George,
Chennai - 600 009 (TN),
2. The Director (Planning),
District Rural Development Office,
Villupuram District,
Villupuram,
Tamil Nadu - 605 602.
3. The Block Development Officer,
(Govt. of Tamil Nadu),
Sandapettai, Near Women Cell,
Asanoor Road, Tirukoilur Taluk,
Villuoram District,
Chennai - 605 057 (TN)
4. The Village Administrative Officer,
T.K.Pudumandapam Village,
Karadi Post, Tirukoilur Taluk,
Villupuram District.

.... Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to remove arbitrary constructing on the side new culvert road crossing drainage and complete equal space from both the corners of the road situated at T.K.Pudumandapam under the control of Block Development Officer

(BDO), Tirukoilur Taluk, Villupuram District and further imposing stringent punishments for offender to the authority-in-charge.

For Petitioner : Mr. S.Ramajayam

For Respondents in : Mr. D.Raja,
Addl. Gov. Pleader,

C O M M O N O R D E R

This writ petition has been filed seeking a direction to remove the culvert constructed in Survey No.67/1 at T.K.Pudumandapam village, T.Keeranur, Karadi.

2. According to the petitioner, the petitioner's father and wife owned the properties in Survey Nos.67/42, 67/65 & 67/41. Now, the third respondent is trying to construct a culvert across the road encroaching the above properties. Hence, the present writ petition has been filed.

3. Mr.D.Raja, learned Additional Government Pleader, on instructions, submitted that the present culvert has been constructed only in a drainage channel situated at No.67/1 in the above said village. The third respondent is not constructing any convert in the land belonging to the petitioner. As there is a drainage channel running across the road, a culvert was proposed to be constructed and now, they have also constructed a drainage channel in the above survey number and also placed photos.

4. At this stage, the petitioner, submitted that, he will be satisfied if the respondents are directed to restrict construction activities only in respect of Survey No.67/1, and without making any construction in the property that belongs to the petitioner.

5. As the respondents themselves submitted that the entire construction was made only in Survey No.67/1, and they have not made any construction in respect of the property belonging to the petitioner, no further order is required at this stage. If at all, the petitioner feels that the third respondent has made any construction in the property belonging to him, it is always open to him to approach the Civil Court and establish that the construction was made in his property and seek to remove the construction made by them.

6. With the above directions, this writ petition is disposed of. No costs.
mrp

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,
(Govt. of Tamil Nadu),
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Chennai - 600 009 (TN).
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Villupuram, Tamil Nadu - 605 602.
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4. The Village Administrative Officer,
T.K.Pudumandapam Village,
Karadi Post, Tirukoilur Taluk,
Villupuram District.

+1cc to The Govt.Pleader, Vide SR.NO.7551

RSI (CO)
Kak (21/03/2019)

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