



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13740 of 2019

Palaniandi Konar

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Block Development Officer,
Annavasal Panchayat Union,
Illuppur Taluk,
Pudukkottai District.

3.The Special Officer,
Thirunallur Village Panchayat,
Annavasal Panchayat Union,
Illuppur Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to lay down Metal Tar Road in Salaikalam Village, Illuppur Taluk, Pudukkottai District by considering the petitioner representation dated 03.05.2019.

For Petitioner

: Mr.A.Arul Jenifer

For Respondents

: Mr.A.K.Baskara Pandian

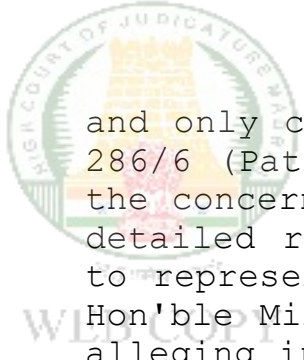
Special Government Pleader

O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner claims to be a resident of Salaikalam Village, Malaikudipatti Post, Illuppur Taluk, Pudukkottai District and filed this writ petition styled as Public Interest Litigation stating among other things that there is a 15 feet metal road in SalaiKalam Village, which is being used by the local residents for 100 years and for a couple of decades there was a demand to lay pukka Tar Road on the metal road.

2.The learned counsel for the petitioner would submit that most of the stretch of the Tar Road situates in Government land



and only certain portion falls within the land in S.Nos.286/1 and 286/6 (Patta Nos.729 and 779) and the representation submitted to the concerned officials did not evoke any response and yet another detailed representation was also sent to the M.L.A., who is said to represent Viralimalai Constituency, who also happens to be the Hon'ble Minister for Health and Family Welfare and the petitioner alleging inaction on the part of the officials as to the redressal of the grievance by laying Tar Road came forward to file this Habeas Corpus Petition.

3.This Court considered the rival submissions and perused the materials placed before it.

4.It is the categorical submission of the learned counsel appearing for the petitioner that in the light of the unregistered deed, a portion of the land in the aforesaid survey numbers have been donated for the purpose of laying the road. However, this Court cannot look into the said document for the reason that it is an unregistered document and as on date no material has been produced to show that such a gift was accepted. However, this Court is not inclined to go into the legality or otherwise of the said document.

5.The petitioner has got acknowledgment in respect of the representation dated 03.05.2019, submitted to the official respondents and to know the stage and fate of the same, the petitioner is always at liberty to invoke the provisions of Right to Information Act, 2005. There are stringent provisions in the Right to Information Act, 2005 against non-furnishing of information under public domain. It is an effective alternative remedy and the petitioner is always at liberty to invoke the said remedy.

6.In the result, the Writ Petition is disposed of, giving liberty to the petitioner to invoke the provisions of the Right to Information Act, 2005 to know about the fate of the representation dated 03.05.2019. The petitioner is also at liberty to pursue the remedy as to the laying of the pukka Tar Road with the local elected representative. No costs.

Sd/-

Assistant Registrar (CS-II)

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SJ

W.P(MD)No.13740 of 2019
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KM/ (22.07.2019) 3P 4C