

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.12884 of 2012

and

M.P.No.1 of 2012

Meval.Shanmugaraja

.. Petitioner

Vs.

1. The Divisional Engineer,
Office of the Divisional Engineer,
Highways Department, Salem

2. The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Omalur, Salem District

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from removing or insisting the petitioner to remove the mud road with pipe laid in Tharamangalam to Jalakandapuram Main Road KM 5/8 to access the petitioner's property.

For Petitioner : Mr.M.Jothimanian
For Respondents : Ms.K.Bhuvaneswari
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a Writ of Mandamus forbearing the respondents from insisting him to remove the mud road with pipe laid in Tharamangalam to Jalakandapuram Main Road KM 5/8 to access his property.

2. It is stated by the learned counsel for the petitioner that the mud road was used by the public to access the main road with the permission of the respondent after incurring the huge amount for laying the road. It is stated that the said mud road

is only for the use of the public. The said road is the only access for the petitioner's property from the mud road towards Tharamangalam to Jalakandapuram Main Road and Bharathi Nagar Colony. It is further stated that all of a sudden, on 27.04.2012, the petitioner was directed to remove the said mud road. Hence, this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

4. It is now stated that the mud road is there whereas the main road on which the mud road is joining has been raised by the respondents by laying a black tar pucca road. As the level of the road has been raised, it is difficult for the petitioner and other villagers to access the main road. It is also stated by the petitioner that the said road was laid by the respondents, despite the order of status-quo issued by this Court on 04.05.2012. However, it is stated by the learned counsel for the petitioner that the petitioner would give a fresh representation to the respondents to connect the mud road with the main road, which may be considered by the respondents expeditiously.

5. Accordingly, the petitioner is granted permission to give a fresh representation seeking for connecting the mud road with the main road and the respondents are directed to consider the said representation thereafter, as expeditiously as possible.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

srn

To

1. The Divisional Engineer,
Office of the Divisional Engineer,
Highways Department, Salem

2. The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Omalur, Salem District

+1cc to M/s.M.Jothimanian ,Advocate SR NO.18157/20

+1cc to the Govt Pleader ,High Court,Madras SR NO. 19225/20

W.P.No.12884 of 2012
and M.P.No.1 of 2012

GP(CO)
GS(18/05/2020)