

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.10458 of 2020
and WMP.Nos.12712 &12714 of 2020

1.S.Govindammal
2.Prabhushankar

... Petitioners

.Vs.

1. The District Collector
O/o. District Collector
Tiruppur.
2. The Revenue Divisional Officer
Office of the Revenue Division
Tiruppur.
3. The Tahsildar
Avinashi
Tiruppur District.
4. The Block Development Officer
Avinashi
Tiruppur District.
5. The President
Pudupalayam Village Panchayat
Pudupalayam, Avinashi Taluk
Tiruppur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the fifth respondent from laying road in the lake in Survey No.40/1B, Nalliamgoundampalayam Pudur, Pudupalayam Village, Avinashi Taluk, Tiruppur.

For Petitioner : Mr.P.Tamilavel

For Respondents: Mr.S.N.Parthasarathi
Government Advocate [R1 to R4]
Mr.P.Karthikeyan [R5]

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the fifth respondent from laying road in the subject property

2. Mr.P.Karthikeyan, learned counsel appeared on behalf of the fifth respondent. The fifth respondent has filed the counter affidavit in this case, and the relevant portion of the counter affidavit is extracted hereunder:

" 9. I state that as a Village President I am function only interest and benefit of the village peoples and I have good reputation in the village and as per the 1st respondent work order dated 14.08.2020 Na.K.A.No.2980/2019/A8 and Village Panchayat Resolution dated 26.01.2020 and request letter received from the general public dated 24.06.2020, I make necessary dreading the pond and make necessary arrangements to avoid soil erosion and arrange the pond for saving the rain waters during the rainy sessions and making the strong the pond borders for avoiding flood in S.F.No.40/1B, Nalliamgoundampalayam Pudur, Krishnapuram Pond and I pertinent to point out that for the present the Pudupalayam Panchayat there is no proposal to laying the road in S.F.No.401/B, Nalliamgoundampalayam Pudur, Pudupalayam Village, Avinashi Taluk, Tiruppur District, but the petitioners their own presumption and assumption filed this present writ petition only intention to harassing me due to political reasons."

3. It is clear from the counter affidavit filed by the fifth respondent that there is no proposal for laying the road in Lake Survey No.40/1B, Nalliamgoundampalayam Pudur, Pudupalayam Village, Avinashi Taluk, Tiruppur District, and the statement of the fifth respondent in the counter is recorded.

4. Recording the statement of the fifth respondent, this Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The District Collector
O/o. District Collector
Tiruppur.
2. The Revenue Divisional Officer
Office of the Revenue Division
Tiruppur.
3. The Tahsildar
Avinashi
Tiruppur District.
4. The Block Development Officer
Avinashi
Tiruppur District.

+1cc to the Government Pleader, Sr.No.28333

W.P.No.10458 of 2020

rsv (co)
rr ii (15/09/2020)



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