



WEB COPY

W.P.(MD)No.7118 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18/08/2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7118 of 2020

and

W.M.P. (MD)No.6559 of 2020

S.Veeraramu

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Block Development Officer,
Dindigul West Taluk,
Dindigul District.

3.The President,
Anumatharanyakottai Panchayat,
Dindigul West Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd respondent from constructing under ground water tank in Salai Poramboke situated at Survey Nos.247/6, 248, Sinthalagundu village, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr. S.Sarvagan Prabhu

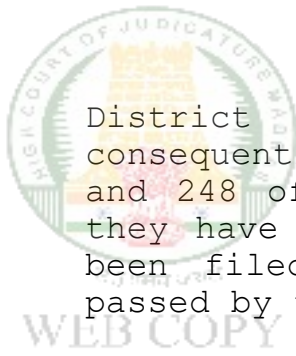
For Respondents : Mr.M.Muthugeethaiyan, Spl.G.P.,
for R1
Mr.R.Sethuraman for R2 and R3

O R D E R

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

Heard the submissions of Mr.S.Sarvagan Prabhu, learned Counsel for the writ petitioner, Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the first respondent and Mr.R.Sethuraman, learned Counsel appearing for the respondents 2 and 3.

2. The fact remains that the predecessor in title of the premises in question, namely, Mr.M.Veluchamy, along with another had filed a suit in O.S.No.776 of 2006, on the file of the Court of



District Munsif, Dindigul, praying for declaration and other consequential relief in respect of Survey Nos.251/1A, 251/1B, 251/1C and 248 of Sinthalagundu Village, Dindigul Taluk and District and they have lodged the Suit and Appeal in S.A(MD)No.34 of 2012, has been filed challenging the legality of the judgment and decree passed by the Court below and the same is pending.

3. The learned Counsel appearing for the petitioner would submit that the fact remains that though the land in Survey Nos.247/6, 248 had been classified as "Road Poramboke", construction is proceeding in the form of septic tank and his apprehension is that in order to cover the same, the third respondent is likely to put up a compound wall and in that event, his access to the property will be totally denied and in this regard, he submitted a representation and hence, prays for appropriate orders, with a further direction directing the concerned officials to consider and dispose of the representation on merits and in accordance with law.

4. The learned Special Government Pleader appearing for the first respondent would submit that since only a small portion of the land is classified as "Road Poramboke", the construction in the form of septic tank was put up purely for public purpose and it cannot be faulted with and that apart, a small underground water tank has also been put up and those constructions are purely for public purpose and it cannot be faulted with and he would further add that subject to the result of S.A(MD)No.34 of 2012, the petitioner may work out his further remedy in accordance with law.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. The fact remains that the construction in the form of septic tank and underground water tank had come into being in respect of the land in Survey No.248, which has been classified as "Road Poramboke" and with regard to the apprehension expressed by the petitioner that in the event of compound wall is being put up for protecting the said construction, his right of way would be denied the access to the property, it is open to the petitioner to submit a representation along with the supporting documents to the third respondent within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the third respondent is directed to afford an opportunity of personal hearing to the petitioner and thereafter consider and dispose of the said representation on merits and in accordance with law and pass appropriate orders within the further period of six weeks thereafter and communicate the decision taken to the petitioner. It is also open to the writ petitioner to work out his other remedy depending upon the result of S.A(MD)No.34 of 2012, pending on the file of this Court.



7. This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Block Development Officer,
Dindigul West Taluk, Dindigul District.
- 3.The President,
Anumatharanyakottai Panchayat,
Dindigul West Taluk, Dindigul District.

+1 CC to M/s.S. SARVAGAN PRABHU, Advocate (SR-14382[F] dated 19/08/2020)

W.P. (MD)No.7118 of 2020

and

W.M.P. (MD)No.6559 of 2020

18.08.2020

SPU (01.09.2020) 3P 5C