



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.14171 of 2019

and

W.M.P.(MD).Nos.10644 and 15580 of 2019

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L.Raju (Died)

1.R.Ramuthai

2.R.Lakshmanan

3.R.Suresh

4.R.Kamalakannan

... Petitioners

(Petitioners 1 to 4 are bring on record as Legal Heirs of the deceased sole petitioner vide order of this Court dated 04.12.2019 in W.M.P.(MD) (.No.21861 of 2019)

Vs.

1.The Executive Officer,

Vadipatty Town Panchayat,

Vadipatty, Madurai.

2.The District Collector,

Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents not to dig or construct any sewage or other channels or do any other act in the properties of the petitioner bearing S.No.43 / 15 A, Patta No.633, Neerathan Village, Union Office Road, Vadipatti Town Panchayat, Vadipatti Taluk, Madurai District.

For Petitioners : Mr.G.Prabhu Rajadurai

For R-1 : Mr.Dayalan

For R-2 : Mrs.J.Padmavathi Devi

Special Government Pleader

O R D E R

The Writ Petition filed in the nature of Mandamus directing the respondents not to construct any sewage or channel in the property of the petitioner. The matter had come up after a considerable period of time. Infact, during the pendency of the



writ Petition, the petitioner also unfortunately died. This required necessarily to bring the legal heirs. Originally, the respondents took a stand that they would require the land of the petitioner. That necessitated the court to grant an order of status quo.

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2. Today, an additional counter had been filed by the first respondent, sworn by Shiva Kumar, son of Sonai Muthu. In paragraph No.6 of the counter, it has been stated as follows:-

"Therefore, taking into consideration of the urgency involved in execution the said project, it has been proposed to execute the said drainage project in the road belonging to Highways Department without entering into the patta land as claimed ownership by the petitioner."

3. The said statement is recorded and it is made clear that the said statement is binding on the respondents and they cannot take up any project within the patta land of the petitioner.

4. In view of the above, the Writ Petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Tsg

To

1. The District Collector,

Madurai District.

2. The Executive Officer,

Vadipatti Town Panchayat,

Vadipatti, Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10803[F] dated 10/03/2020)

+1 CC to M/s.SPL.GP (SR-11097[F] dated 11/03/2020)

Order made in

W.P. (MD)No.14171 of 2019

Dated:10.03.2020