



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.12.2020**

CORAM

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.17893 of 2020

Meega Vedhanayagam

.. Petitioner

Vs.

- 1.The Secretary to the Government,
Department of Rural Development and Panchayat Raj,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Department of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai.
- 3.The District Collector,
Office of the District Collector,
Madurai District.
- 4.The Assistant Director,
Office of the Assistant Director,
Rural Development and Panchayat Raj Department,
Madurai District Collector Office,
Madurai.
- 5.The Block Development Officer,
Office of the Block Development Office,
Madurai.
- 6.The President,
Thanakkankulam Panchayat,
Thiruparakundram Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to lay a 10 feet tar road or concrete road in the pathway area more fully comprised in S.Nos.166/12A1, 166/12B1, 12/B2, towards the eastern side and also S.Nos.170/5B, 170/6 towards western side situated at Thanakkankulam Village, Thirupparakundram



Taluk, Madurai District, on the basis of the petitioner's representation dated 27.07.2020, within the time stipulated by this Court.

For Petitioner : Mr.K.Neelamegam
For Respondents : Mr.C.Ramar for R1 to R4
Additional Government Pleader
Mr.R.Murugaraj for R5 & R6
Government Advocate

ORDER

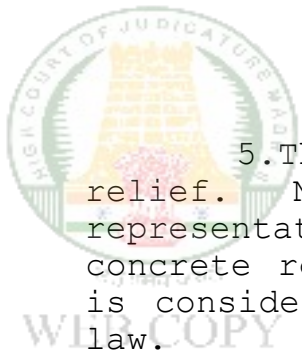
(This Matter was heard through the Video Conference)

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents herein to lay a 10 feet tar road or concrete road in the pathway area more fully comprised in S.Nos.166/12A1, 166/12B1, 12/B2, towards the eastern side and also S.Nos.170/5B, 170/6 towards western side situated at Thanakkankulam Village, Thirupparakundram Taluk, Madurai District, on the basis of the petitioner's representation dated 27.07.2020

2.Heard Mr.K.Neelamegam, learned counsel for the petitioner, Mr.C.Ramar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.R.Murugaraj, learned Government Advocate, who accepts notice on behalf of the respondents 5 and 6.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he is a permanent resident of Karthiganagar, Tirumangalam Main Road, Thanakkankulam Village, Madurai - 625 006. According to him, he purchased the land comprised in S.Nos.166/12A & 166/12B situated at Thanakkankulam Village, Madurai, under the sale deed dated 16.07.2009 and has also constructed a house in the said property. It is his case that there is a 10 feet pathway existing in Thanakkankulam Village, Thiruparankundram Taluk, Madurai District in S.Nos.166/12A1, 166/12B1, 12/B2, towards the eastern side and also S.Nos.170/5B, 170/6 towards western side. It is also his case that the 10 feet public pathway has got lot of pot holes and during rainy season water gets stagnated, causing severe hardship and difficulties to the people residing in the said area. It is also the case of the petitioner that water stagnation causes health hazards. Hence, the petitioner has given a representation on 27.07.2020, requesting the respondents to lay a tar road or concrete road in the 10 feet public pathway. According to him, till date the said representation has not been considered by the respondents. In such circumstances, this writ petition has been filed.



5.The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner, seeking for laying of tar road or concrete road in the public pathway near the petitioner's property is considered by the respondents on merits and in accordance with law.

6.Mr.R.Murugaraj, the learned Government Advocate appearing for the respondents 5 and 6, on instructions, would submit that the respondents are willing to consider the petitioner's representation on merits and in accordance with law. The petitioner seeks for a direction to the respondents to consider his representation, seeking for laying of a tar road/concrete road in the 10 feet pathway near his house.

7.For the foregoing reasons, this Court directs the 6th respondent to consider the petitioner's representation dated 27.07.2020, requesting them to lay a 10 feet tar road or concrete road in the land comprised in S.Nos.166/12A1, 166/12B1, 12/B2, towards the eastern side and also S.Nos.170/5B, 170/6 towards western side in Thanakkankulam Village, Thirupparakundram Taluk, Madurai District, and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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 Secretary to the Government,
Department of Rural Development and Panchayat Raj,
Fort St. George, Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director, Department of Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai.

3.The District Collector,
Office of the District Collector,
Madurai District.

4.The Assistant Director, Office of the Assistant Director,
Rural Development and Panchayat Raj Department,
Madurai District Collector Office, Madurai.

+1 CC to SPL GP (SR-24630[F] dated 09/12/2020)

+1 CC to Mr.K.NEELAMEGAM, Advocate (SR-24974[F] dated 10/12/2020)

W.P (MD) .No.17893 of 2020
08.12.2020

VB (22.12.2020) 4P 7C