



WEB COPY

W.P.(MD)No.188 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.188 of 2021

(Through Video Conferencing)

Natarajan : Petitioner

Vs.

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

2.The Assistant Director of Panchayats,
Office of the Assistant Director of Panchayats,
Madurai.

3.The Block Development Officer,
Office of the Block development Office,
Kottampatti Panchayat Union
Kottampatti
Madurai District.

4.The President
Pallapatti Panchayat
Kottampatti Panchayat Union
Kodaikanal, Dindigul District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to forbear the respondents 3 and 4 from in any manner laying the metal road in the Odai comprised in S.No.209/1 situated at Pallapatti Pudur Village, Pallapatti, Melur Taluk, Madurai District based on the petitioner's representation dated 19.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.N.Mariappan

For Respondents : Mr.N.Shanmugaselvan for R1 & R2
Additional Government Pleader
Mr.M.Jeyakumar for R3 & R4
Additional Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J)

Heard the learned counsel for the petitioner, the learned Additional Government Pleaders appearing for the respondents.

2. The petitioner, who is a member of the locality, has come forward to file this writ petition on the premise that the

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respondent Nos.3 and 4 are laying a metal road in the Odai comprising in S.No.209/1 situated at Pallapatti Pudur Village, Pallapatti, Melur Taluk, Madurai District.

3.It is the further case of the petitioner that notwithstanding the communication sent by the Special Deputy Collector to the respondent No.3, in and by the letter dated 03.10.2020, the proposed construction project is not scheduled as of now, on the contrary, the respondent Nos.3 and 4 are attempting to lay the road.

4. The learned counsel for the respondents 3 and 4 submitted that the proposed construction is likely to be made only in pursuant to the resolution passed by the local body. It is not correct to state that the road is to be constructed in the middle of the Odai, but on the existing bund and bank.

5. If the proposed construction is on the bank of the Odai, the petitioner cannot have grievance. In fact, that would serve the public purpose. We cannot go into the disputed question of fact as to whether the road is going to be laid on the middle of the Odai or on the bank.

6. In such view of the matter, while permitting the respondents 3 and 4 to construct the metal road on the bund, we direct the respondent No.1 to depute an official to make an inspection and satisfy as to whether it is proposed to be laid over the bund or in the middle of the Odai. It is needless to state that if it is found that the road is likely to be laid on the middle of the Odai, the respondents 3 and 4 shall not undertake the said exercise. The aforesaid inspection in this regard shall be made within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19pandemic, 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,
Office of the District Collector
Madurai District.

2.The Assistant Director of Panchayats,
Office of the Assistant Director of Panchayats,
Madurai.

3.The Block Development Officer,
Office of the Block development Office,
Kottampatti Panchayat Union
Kottampatti
Madurai District.

+1 CC to M/s.SPL GP (SR-656[F] dated 08/01/2021)

W.P. (MD) No.188 of 2021
Dated: 07.01.2021

KUN(CO)
KB(21.01.2021) 3P 5C