



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.2416 of 2021

Surulisamy

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.
2. The Revenue Divisional Officer,
Uthamapalayam, Theni District.
3. The Block Development Officer,
Bodinayyakanoor Panchayat Union,
Bodinayakkanoor, Theni District.
4. The Tahsildar,
Bodiyakkanoor Taluk, Theni District.
5. The President,
Bodi-Anaikkaraiipatti Panchayat,
Bodinayakkanoor, Theni District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from construction over bridge in Kottakkudi River, in the manner having ingress and egress through petitioner's agricultural land comprised in Survey No.139, situated at Bodinayakkanoor Village, Theni District, by considering the petitioner's representation dated 08.01.2021.

For Petitioner : Mr.R.Maheswaran

For R-1, R-2 & R-4 : Mr.M.Rajarajan
Additional Government Pleader

For R-3 & R-5 : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus forbearing the respondents from constructing overbridge in Kottakkudi River, in such a manner that ingress and egress will

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



be through the agricultural land of the petitioner, situated at Survey No.139, Bodinayakkanoor Village, Theni District.

2. The third respondent has filed a counter affidavit in this case. It will be relevant to extract Paragraph No.7 of the counter affidavit herein:-

"7. In fact the survey numbers situated at Anaikkaraipatti Village, Bodiyyakkanur Revenue Village S.Nos.161, 163, 164, 140 and 86 is the Cart Track to reach Melaparavu Village in between S.No.140 & 86, Kottakudi River runs in S.No.137 & 138. As per the revenue records entry, the Survey No.137 & 138 shows that it is a Kottakudi River and S.No.161,163, 164, 140 and 86 shows that Cart Track. The third respondent proposed to construct a bridge across the river in Survey No.138 and ingress from the S.No.140 and connected the S.No.86 i.e., Cart Track connecting the other side of the river. The construction of the bridge will be the benefit of the public and no way connected with the petitioner's property situated in S.No.139. The petitioner without knowing the proposal of the construction of the bridge filed this petition with an ulterior motive."

3. Heard Mr.R.Maheswaran, learned counsel appearing on behalf of the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader appearing on behalf of the respondents 1, 2 and 4 and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the third and fifth respondents.

4. It is clear from the counter affidavit that the apprehension raised by the petitioner has been sufficiently answered. It has been made clear that the ingress and egress for the construction of the bridge will be only from Survey No.149 and connected Survey No.86 and the respondents will not access through the property belonging to the petitioner in Survey No.139. This stand taken by the third respondent is recorded.

5. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1. The District Collector, Theni District, Theni.

2. The Revenue Divisional Officer,
Uthamapalayam, Theni District.

3. The Block Development Officer,
Bodinayyakanoor Panchayat Union,
Bodinayakkanoor, Theni District.

4. The Tahsildar,
Bodiyakkanoor Taluk, Theni District.

5. The President,
Bodi-Anaikkaraipatti Panchayat,
Bodinayakkanoor, Theni District.

+1 CC to M/s.SPL GP (SR-16507[F] dated 19/04/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-16212[F] dated 17/04/2021)

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.

Order made in
W.P.(MD).No.2416 of 2021
Dated: 17.04.2021

RS (04.05.2021) 3P 8C