



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10771 of 2021
and WMP (MD) No.8393 of 2021
(Through Video Conferencing)

A.Murugesan

... Petitioner

Vs.

1.The District Collector,
Dindigul District
Dindigul.

2.The Block Development Officer,
Palani Panchayat Union,
Taluk Office compound
Palani
Dindigul District.

3.The President of Panchayat,
Periammapatty Panchayat,
Palani Panchayat Union,
Dindigul District.

4.The Executive Engineer,
Public Work Department building,
Palani, Dindigul District.

5.The Assistant Executive Engineer,
Public Works Department
PWD Buildings,
Dindigul
Dindigul District.

6.Karnambal

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent Nos.2 and 4 to construct a bridge or culvert over the porundhalar river to provide access to the property in S.Nos.9/1B,2, 3 of Periyammappatty Village, Palani Taluk, Dindigul District or in the alternative to grant permission to the petitioner to lay pathway/bridge/culvert across Porundhalar river to access the property in S.Nos. 9/1B,2, 3 of Periyammappatty Village, Palani Taluk, Dindigul District within the time stipulated by this Court.



For Petitioner :Mr.T.Lajapathi Roy
For Respondents :Mr.M.Lingadurai for R1, 3 to R5
Government Advocate
Mr.R.Baskaran for R2
Government Advocate

ORDER

WEB COPY This writ petition has been filed for the issue of a Writ of mandamus directing the respondents to consider the representation made by the petitioner on 14.06.2021, wherein, the petitioner has sought for the restoration of the access road to his property, which is said to have been destroyed by the private respondents.

2. The case of the petitioner is that his property has the only access through a culvert/pathway across Porundhalar river. Due to some private enmity, the 6th respondent along with others are said to have completely destroyed the pathway and thereby the access to the property of the petitioner was prevented.

3. The petitioner made a representation in this regard to the respondents for restoration of the culvert/pathway. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1, 3 to 5 and the learned counsel for the 2nd respondent.

5. Considering the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the 4th respondent to consider the representation made by the petitioner on 14.06.2021 and take a decision strictly in accordance with law within a period of four weeks from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

6. The petitioner is directed to make a fresh representation to the 4th respondent along with all the relevant documents and also a copy of this order.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



RR

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,
Palani Panchayat Union,
Taluk Office compound
Palani, Dindigul District.
- 3.The President of Panchayat,
Periammapatty Panchayat,
Palani Panchayat Union,
Dindigul District.
- 4.The Executive Engineer,
Public Work Department building,
Palani, Dindigul District.
- 5.The Assistant Executive Engineer,
Public Works Department
PWD Buildings,
Dindigul
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-20822[F] dated 01/07/2021)

+1 CC to M/s.SPL GP (SR-20876[F] dated 01/07/2021)

+1 CC to M/s.A.BASKARAN, Advocate (SR-21086[F] dated 02/07/2021)

W.P. (MD) No.10771 of 2021
30.06.2021

AS (07.07.2021) 3P 9C