



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.13377 of 2021

and

W.M.P (MD)No.10339 of 2021

WEB COPY

M.Ramesh Kannan

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Director (Panchayat),
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Usilampatti Division,
Madurai.

4.The Block Development Officer,
T.Kallupatti Union,
Madurai District.

5.The Tahsildar,
Peraiyur Taluk,
Madurai District.

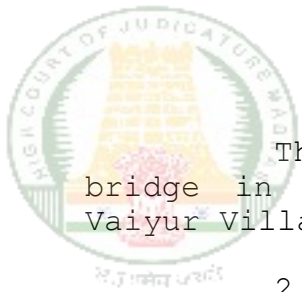
6.The President,
Vaiyur Panchayat,
T.Kallupatti Union,
Madurai District.

7.K.Punniyakodi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from constructing the culvert type of bridge in the petitioner's patta land comprised in S.F.No.183/1A to an extent of 25 cents (10 Ares) situated at Vaiyur Village, Madurai District, by restoring the petitioner's land in original position, without any due process of law, based on the petitioner's representation, dated 07.07.2021.

For Petitioner : Mr.S.Sadeskumar
For Respondents : Mr.R.Baskaran
Counsel for State
(for R1 to R3 and R5)
Mr.A.Baskaran (for R4)



ORDER

The petitioner seeks to prevent the construction of a culvert bridge in the petitioner's patta land comprised in S.F.No.183/1A at Vaiyur Village, Madurai District.

2.The petitioner states that he is an agriculturist owning land of an extent of about 25 cents in S.F.No.183/1A. On 07.07.2021, he states that he noticed that the seventh respondent herein had entered his land and used construction equipment for digging such land. Upon ascertaining the reason for the same, the petitioner was informed that a contract had been awarded to him by the sixth respondent to construct a culvert bridge crossing the road situated at Survey No.183/1A. Therefore, the petitioner made an oral representation to the fourth respondent as also to the Deputy Superintendent of Police. According to the petitioner, his lands have not been duly acquired under any applicable land acquisition law. Therefore, he filed the present Writ Petition for consideration of his representation dated 07.07.2021.

3.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1, 3 to 5 and Mr.A.Baskaran, learned counsel, accepts notice on behalf of the Block Development Officer. Both the learned counsel state that they have no objection for the consideration of the petitioner's representation and the disposal thereof on merits.

4.The present matter raises several disputed questions such as the petitioner's ownership of the land bearing S.F.No.183/1A and the appropriateness of constructing the culvert bridge at the chosen location. Such disputed questions of fact and such decisions as to the construction of a culvert bridge should be taken by the appropriate authorities with the adequate domain knowledge.

5.Accordingly, without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's representation dated 07.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity both to the petitioner and to the seventh respondent. Such reasoned order shall be passed within a period of two (2) months from the date of receipt of a copy of this order.

6.W.P.(MD).No.13377 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10339 of 2021 is closed.

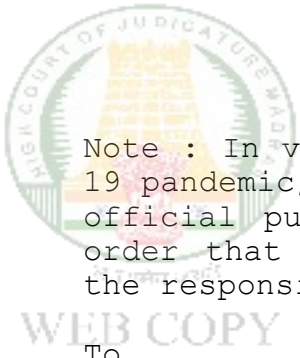
Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)



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,
Madurai District, Madurai.
- 2.The Assistant Director (Panchayat),
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Usilampatti Division,
Madurai.
- 4.The Tahsildar,
Peraiyur Taluk,
Madurai District.
- 5.The Block Development Officer,
T.Kallupatti Union,
Madurai District.
- 6.The President,
Vaiyur Panchayat,
T.Kallupatti Union,
Madurai District.

+1CC to M/s.S.Sadeskumar, Advocate (SR25289)
+1CC to M/s.A.Baskaran, Advocate (SR25273)
+1CC to The Special Government Pleader (SR25354)

W. P (MD) No.13377 of 2021
04.08.2021

SSS

RS (11.08.2021) 3P-10C