



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI
W.P.[MD]No.1074 of 2016

Kumar : Petitioner

Vs.

1.The District Collector
Pudukkottai,
Pudukkottai District.

2.The District Athidraavidar Welfare Officer,
Pudukkottai,
Pudukkottai District.

3.The Thasildar,
Thirumayam,
Pudukkottai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to form a road in between Athidraavidarkudiyiruppu of Thanjur Village, Thirumayam Taluk and Survey No.102/13 of Samuthiram Village, Thirumayam Taluk.

For Petitioner : Mr.K.Baaalasundharam

For R-1 to R-3 : Mr.A.K.Manickam
Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.Baaalasundharam, learned Counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 to 3.

2. The petitioner seeks for a direction upon the respondents to form a road in between Athidraavidarkudiyiruppu of Thanjur Village, Thirumayam Taluk and Survey No.102/13 of Samuthiram Village, Thirumayam Taluk.

3. Admittedly, the pathway which is said to be used as on date passes through a patta land.



4. The learned counsel for the petitioner submitted that the road has to be formed to an appropriate length of 700 metres and the pattadhars, who owned the extent to length of about 450 meters are willing to give the land for formation of the road. In this regard, the petitioner has submitted a representation to the authorities and since the representation has not been considered, the petitioner is before this Court by filing this writ petition.

5. The writ petition has been pending since the year 2016 and till date no counter affidavit has been filed.

6. We find that the representations are dated 23.07.2014, 24.09.2014, 2.12.2015 and 14.12.2015. Due to efflux of time, there is every possibility that the representations might have been even misplaced. Further, we find that no useful purpose would be served if the writ petition is kept pending any longer.

7. Therefore, we direct the petitioner to submit a fresh representation to the second respondent along with a copy of this order and copies of the earlier representations and make a request to the second respondent for submitting appropriate proposal to the District Collector for the formation of a road. If such representation is received, the second respondent is directed to nominate one of his Officer, to conduct an inspection and thereafter, submit a feasibility report to the District Collector. Based on that report, the District Collector shall take action in accordance with law. This direction be complied with within a period of twelve weeks from the date of the submission of the representation.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

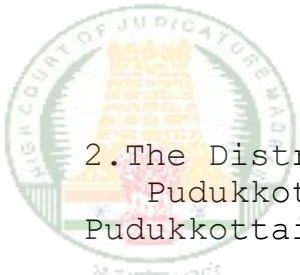
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector

Pudukkottai, Pudukkottai District.

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



2.The District Athidraavidar Welfare Officer,
Pudukkottai,
Pudukkottai District.

3.The Thasildar,
Thirumayam,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-22284[F] dated 13/07/2021)

W.P. [MD]No.1074 of 2016
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RD(19.07.2021) 3P 5C