



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16697 of 2020

and

W.M.P (MD) .Nos.13944 of 2021

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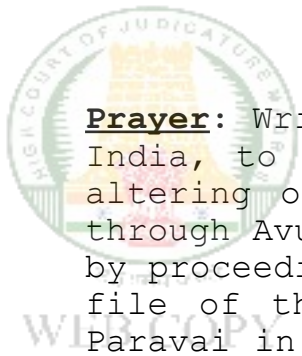
K.Rathinakumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Principal Secretary,
Department of Highways and Minor Port Department,
Fort St.George, Secretariat, Chennai-9.
- 2.The Chief Engineer (Projects),
Highways Department of Tamil Nadu,
HRS campus,
No.76, Sardar Patel Road,
Guindy, Chennai - 600 025.
- 3.The District Collector,
O/o. the District Collector,
Madurai.
- 4.The Superintendent Engineer,
Highway Department,
Construction, Planning and Maintenance,
Madurai.
- 5.The Assistant Director (Town Panchayats),
O/o. District Collectorate,
Madurai.
- 6.The District Revenue Officer (Land Acquisition Officer),
O/o.The District Revenue Officer Land Acquisition,
Madurai.
- 7.The Divisional Engineer,
Highways Department,
Scheme of Planning Division,
Madurai - 625 002.
- 8.The Executive Officer,
Paravai Town Panchayat,
Paravai, Madurai - 625 402.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from altering or deviating the original plan of laying connection road through Avuliyamman Kovil Street and Pattatharasiamman Kovil street by proceedings in Ka.No.Paravai/2014/E.va.aa dated 17.02.2020 on the file of the seventh respondent connecting Vaigai river bridge to Paravai in SHU 100 and Thuvariman in Madurai melakkal road situated at Paravi, Madurai District within the time stimulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General
Assisted by Mr.P.Subbaraj,
Counsel for the State for R1 to R8

O R D E R

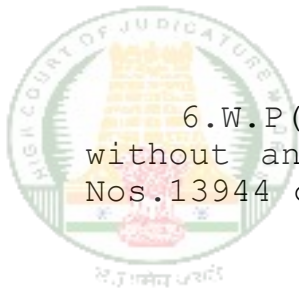
The petitioner seeks a direction to restrain the respondents from altering or deviating from the original plan for laying the connection road through Avuliyamman Kovil street and Pattatharasiamman Kovil street.

2.The petitioner states that there are a large number of families residing in the Santhosh Avenue Colony, Paravai and that they would be affected if the alignment of the connection road is altered as compared to the original plan.

3.Learned Additional Advocate General appears for the respondents. He submits that the present alignment has been chosen with the view to minimize the extent of acquisition. In addition, he submits that it is only a public road which is proposed to be used. Therefore, he submits that the petitioner does not have any reason to object to the proposed change of alignment. Without prejudice, he submits that the representation of the petitioner would be considered and disposed of on merits.

4.The decision as to the appropriate alignment is a decision that falls squarely within the ambit of the authority concerned, and such decision is taken on the basis of multiple factors, including technical factors. However, before taking such decision, the concerns of the petitioner may be taken into account.

5.Accordingly, without going into the merits of the matter, the second respondent is directed to consider the petitioner's representations dated 09.07.2018 and 08.07.2019 and dispose of the same within a period of two months from the date of receipt of a copy of this order. The petitioner is directed to submit a copy of such representations along with a copy of this order so as to enable action on such representations.



6.W.P(MD).No.16697 of 2020 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD). Nos.13944 of 2021 is closed.

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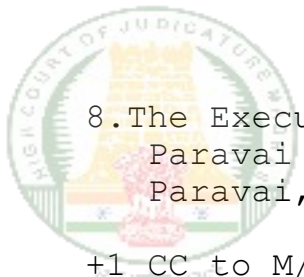
Assistant Registrar (CS II)

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
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8.The Executive Officer,
Paravai Town Panchayat,
Paravai, Madurai - 625 402.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-29982[F] dated
23/09/2021)

+1 CC to M/s.SPL.GP (SR-30049[F] dated 23/09/2021)

W.P.(MD)No.16697 of 2020

22.09.2021

RS (30.09.2021) 4P 11C