



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.12.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P. (MD) .No.18154 of 2021**

B.Kasinathan

... Petitioner

**Vs.**

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The Tahsildar,  
Aathur Taluk,  
Dindigul District.

3.The Block Development Officer,  
Aathur Block Development Office,  
Sembatti,  
Aathur Taluk,  
Dindigul District.

4.The President,  
Aalamarathupatti Panchayat,  
Aathur,  
Dindigul District.

... 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 3 and 4 from constructing Commercial Complex in S.F.No.109/6 in Panchayat Union Salai situate in Aalamarathupatti Village, Aaathur Taluk, Dindigul District by obstructing the path leading to S.F.No.88/7 situate at Aalamarathupatti Village, Aaathur Taluk, Dindigul District based on the petitioner representation dated 02.09.2021.

For Petitioner : M/s.A.Arul Jenifer

For R-1 and R-2 : Mr.D.Ghandiraj,  
Special Government Pleader.

For R-3 and R-4 : Mr.A.Baskaran,  
Standing Counsel.



**ORDER**

The present Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents 3 and 4 from putting up any commercial construction in S.F.No.109/6 in Panchayat Union Salai, Aalamarathupatti Village, Aathur Taluk, Dindigul District.

2. It is claimed that S.F.No.109/6 is a public road. The house of the petitioner is to the west of this particular public road. Clearly there is no construction being put up inside or encroaching into the land or house of the petitioner. S.F.No.109/6 is situated on the east of the petitioner's house. It is classified as public road in all the revenue documents. A building cannot be constructed in that particular public road. The petitioner seeks a direction that a building should not be constructed.

3. Mr.D.Ghandiraj, learned Special Government Pleader who takes notice for the first and second respondents, wondered how a building can be constructed in a public road. It cannot be constructed. The Writ Petition itself is not required to be maintained.

4. By recording all these statements that S.F.No.109/6 is a public road and that there cannot be any possibility for a construction to be put up in the public road, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Tahsildar,  
Aathur Taluk,  
Dindigul District.

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MGJ(07.01.2022) 2P 3C

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