



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) .No.2365 of 2014

and

MP (MD) No.1 of 2014

Ushadevi Jayaraj

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai South,
Madurai.
- 3.The Thasildar,
Madurai South,
Madurai.
- 4.The Chief Engineer,
Public Works Department,
Thallakulam,
Madurai.
- 5.The Superintending Engineer,
Public Works Department,
Madurai.
- 6.The Assistant Engineer,
National High Ways Department,
Madurai.

...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 to 6, their subordinates and officials from any way laying or putting up channels in the petitioner's land situated in S.No.108/2, N.G.G.O.Colony, Alwar Nagar, Nagamalaipudukkottai, Madurai without following the due process of law by issuing notice and hearing her objections by considering her representation dated 07.02.2014.



For Petitioner : Mr.C.Jeyaprakash
For R1 to R5 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R6 : No appearance

ORDER

The Writ Petition has been filed, seeking a Mandamus against the third to sixth respondents from laying or putting up channels in the land of the petitioner situated at Survey No.108/2, N.G.G.O. Colony, Alwar Nagar, Nagamalaipudukkottai, Madurai, without following due process of law.

2.The counter had been filed.

3.Heard, the learned Counsel for the petitioner and also Mr.N.Satheesh Kumar, learned Additional Government Pleader. In the counter it had been stated that construction of rain water drain along with the Madurai-Theni Road in NH49 extension at Nagamalaipudukkottai is required. A portion of the land was utilized by the petitioner for parking purposes. This particular land belongs to NGGO Housing Society.

4.It is claimed that the petitioner had actually encroached upon the land. It had been stated that the rain water drain had been constructed within the road limits which belongs to National Highways. It had been stated that the petitioner had not disclosed in the affidavit that he had actually encroached upon the National Highways.

5.In view of the fact that the petitioner had suppressed these material facts and further since the rain water drain has been built, nothing survives for further adjudication.

6.With the above observations, the Writ petition is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

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,
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- 5.The Superintending Engineer,
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+1 CC to M/s.SPL GP (SR-35635[F] dated 24/11/2021)

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PS (CO)

GC (04.12.2021) 3P 8C