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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.10521 OF 2022

AND

W.M.P.NO.10208 OF 2022

1.R.Selvaraj

2.R.Angathal

...Petitioners

Vs.

1.The District Collector,
Coimbatore,
Coimbatore District.

2.The Block Development Officer,
Annur Panchayat Union,
Coimbatore District.

3.The President,
Otterpalayam Panchayat,
Kurikkilampalayam,
Annur Taluk,
Coimbatore,
Coimbatore District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 to lay Thar Road in the existing road comprised in Survey Numbers: 68, 69 at Otterpalayam, Aiyagoundenpudhur Village, Coimbatore District in view of order passed by this Court dated 08.10.2018 made in W.P.No.27790 of 2018.

For Petitioners : Ms.P.Shobana Devi
for Mr.K.Myilsamy

For R1 : Mr.C.Sathish
Government Advocate



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For R2

: Mr.T.Seenivasan
Special Government Pleader

For R3

: Mr.K.Suresh
Government Advocate

O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents 2 & 3 to lay thar road in the existing road comprised in Survey Numbers: 68, 69 at Otterpalayam, Aiyagoundenpudhur Village, Coimbatore District, in view of order passed by this Court dated 08.10.2018 made in W.P.No.27790 of 2018.

2.By consent of the learned counsel appearing for the petitioners, learned Government Advocate appearing for the 1st respondent, learned Special Government Pleader appearing for the 2nd respondent as well as the learned Government Advocate appearing for the 3rd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioners, learned Government Advocate appearing for the 1st respondent, learned Special Government Pleader appearing for the 2nd respondent as well as the learned Government Advocate appearing for the 3rd respondent and perused the entire materials on record.

4.According to petitioners, the 3rd respondent approved the proposal to lay the thar road in the existing road in survey numbers 68 & 69, situated at Otterpalayam, Aiyagoundenpudhur Village, Coimbatore District, for which the NABARD Bank has granted a sum of Rs.68 lakhs for improvement of the said road. This existing road in Aiyagoundenpudhur Village connects Sirumugai Road via Annur, Mettupalayam Road, Jeeva Nagar, Oddarpalayam, Aiyagoundenpudhur and Pooluvapalayam. The respondents 2 & 3 commenced the laying works and laid 300 meters of road out of 700 meters. In the remaining 400 meters, two stages of laying road works have been completed and only final stage of the work is to be completed. While so, one A.R.Murugasamy raised some frivolous objections before the 2nd respondent, contending that respondents 2 & 3 are trying to lay the road in the low level area (pallavari, a rain water drainage area) and it will cause seepage of excess rain water into his agricultural land and also filed W.P.No.27790 of 2013 before this Court, forbearing the respondents from laying road in the pallavari, a rain water drainage area. In the said W.P.No.27790 of 2013, the 2nd respondent has filed an affidavit of undertaking



stating that they will lay tar road in the place which is in existence, if at all any additional place is required that they will utilise gifted lands. Recording the undertaking given by the 2nd respondent, this Court by the order dated 08.10.2018, disposed of W.P.No.27790 of 2013. Even after four years, the 2nd respondent has not completed the road work. Hence, the petitioner has sent various representations to the respondents 2 & 3. While so, the respondents 2 & 3 in collusion with some unknown persons who are doing real estate business, are trying to lay new road by deviating and obliterating the existing road. In such circumstances, the petitioners have come out with the present Writ Petition.

5.It is the contention of the learned counsel appearing for the petitioners that if the respondents 2 & 3 are allowed to lay the road deviating the existing road, public money will be wasted. Already in the existing road, two layer of works have been completed and only the final stage of work is pending. The action of the respondents in trying to lay a new road by deviating the existing road, is in violation of their own undertaking, as recorded by this Court in W.P.No.27790 of 2013, filed by one A.R.Murugasamy and prayed for allowing the Writ Petition.

6.From the materials on record, it is seen that the contention of the petitioners is that there is a 700 meters road in Survey Nos.68 & 69, situated at Otterpalayam, Aiyagoundenpudhur Village, Coimbatore District. The said road has become unusable and unfit for regular access and considering the request of the villagers, the 3rd respondent approved the proposal for laying the road for the length of 700 meters and NABARD Bank sanctioned a sum of Rs.68 lakhs for laying the road. Out of 700 meters, final work is completed for 300 meters of road and in respect of remaining 400 meters, two stages of laying road works have been completed and only the final stage of work has to be completed.

7.According to the learned counsel appearing for the petitioners, the respondents 2 & 3, in contravention to the undertaking given by the 2nd respondent before this Court in W.P.No.27790 of 2013, are trying to lay new road by deviating the existing road.

8.Considering the above submissions, without deciding the issue on merits, the 1st respondent is directed to consider the representation of the petitioner as per the undertaking given by the 2nd respondent before this Court in W.P.No.27790 of 2013 and pass orders, within a period of eight weeks from the date of receipt of a copy of this order.



9. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

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// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Block Development Officer,
Annur Panchayat Union,
Coimbatore District.
3. The President,
Otterpalayam Panchayat,
Kurikkilampalayam,
Annur Taluk,
Coimbatore,
Coimbatore District.

+1cc to the Government Pleader Sr.No.30646

W.P.No.10521 of 2022

SSD(CO)
RVM(17/06/2022)