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W.P.No.15991/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 28-10-2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.15991 of 2021

Arokkiyasundar

...

Petitioner

-VS-

1.The District Collector,
Cuddalore District.

2.The Tahsildar (Revenue),
Kurinjipadi Taluk,
Kurinjipadi.

3.The Executive Officer,
Town Panchayat,
Vadalure.

4.The Village Administrative Officer,
Paravathipuram,
Vadalure.

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records relating to the impugned communication Na.Ka.En.175/2021/A3, dated 07.07.2021, issued by the Executive Officer, Town Panchayat, Vadalure, the third respondent herein, and quash the same.



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For Petitioner : Mr.B.Ramar

For Respondents : Mr.A.Selvendran,
Special Government Pleader.

ORDER

(By D.Krishnakumar,J.)

Petitioner has filed this Writ Petition, challenging the impugned communication Na.Ka.En.175/2021/A3, dated 07.07.2021, issued by the third respondent - Executive Officer, Vadalure Town Panchayat.

2. According to the petitioner, the property in Survey Nos.213/8, 213/9 and 213/10 in Plot Nos.38 and 39 in Parvathipuram, Vadalure, Kurinjipadi Taluk, Cuddalore District, originally belonged to his mother, namely, Mrs.Backiyamary and he and his family members were in joint possession and enjoyment of the said property for over 32 years by constructing a concrete house thereon without any hindrance. While that be so, someone of the village gave a representation to the fourth respondent raising an objection, stating that the said concrete slab obstructs the free flow of water in the canal. Based on the said allegation, the third respondent served a notice to the petitioner for removal of the concrete slab and also for removal of the materials, which have been stored on the public road.



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3. In the light of the above submission made by the petitioner, we are of the considered view that if any material has been stored on the public road and if the public road is occupied by the petitioner, the respondent has to take necessary action for removal of the illegally stored material on the public road as well as any encroachment on the public road without any delay.

4. Therefore, no case is made out to interfere with the impugned order and hence this Writ Petition is dismissed with the above observation. No costs. Consequently, the connected W.M.P.No.16900 of 2021 is closed.

Index : Yes/No

(T.V.T.S.,J.)

Internet : Yes/No

Speaking / Non-speaking Order

(D.K.K.,J.)

28-10-2022

(2/2)

dixit

To

1.The District Collector,
Cuddalore District.

2.The Tahsildar (Revenue),
Kurinjipadi Taluk,



Kurinjipadi.

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3.The Executive Officer,
Town Panchayat,
Vadalure.

4.The Village Administrative Officer,
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WEB COPY

5/5



W.P.No.15991/2021

D.KRISHNAKUMAR,J.
AND
T.V.THAMILSELVI,J.

dixit

W.P.No.15991/2021

(2/2)

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