



WEB COPY



W.P.No.20362 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.20362 of 2014

and

W.M.P.No.1 of 2014

K.Palaniyappan

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

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

3. The President,
Muthugoundenpudur Village Panchayat,
Muthugoundenpudur, Sulur Taluk,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents from constructing culvert and laying the pathway in the petitioner's land situated in S.Nos.91/1B and 371/2A, Rasipalayam Village, Sulur Taluk, Coimbatore District without following the procedure of law.



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W.P.No.20362 of 2014

For Petitioner : Mr.C.Prakasam

For Respondents :

For R1 & R2 : Mr.G.Abishek Moorthy
Government Advocate

ORDER

The learned Government Advocate for the first and the second respondent submits that no culvert is either proposed to be constructed over the petitioner's land or will be constructed.

2. It is submitted that the culvert have been constructed over the land which do not belong to the petitioner and therefore, the writ petition may be closed as infructuous.

3. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the first and second respondents.

4. The writ petition *prima facie* is not maintainable as the petitioner ought to have filed a Civil Suit. Be that as it may, the learned Government Advocate for the first and the second respondent has clearly submitted that



W.P.No.20362 of 2014

there is no proposal for constructing a culvert over the petitioner's land.

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5. Recording the same, the writ petition stands closed. However, liberty is given to the petitioner to file a suit for mandatory injunction, if already a culvert has been constructed over the petitioner's land. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order

rgm

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Block Development Officer,
Sulur Panchayat Union,
Sulur, Coimbatore District.



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W.P.No.20362 of 2014

C.SARAVANAN, J.
rgm

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