



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5412 of 2022

and

W.M.P.[MD]No.4397 of 2022

Kadhar Maidheen

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Thoothukudi District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Tahsildar Office,
Kayathar,
Thoothukudi District.

4.The Block Development Officer,
Block Development Office,
Kayathar,
Thoothukudi District.

5.The President,
Therku Mylodai Panchayat Union,
Therku Mylodai,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein more particularly the fourth and fifth respondents herein not to construct any building for Samuthaya Kudam and alter the land for public park with respect to the Natham land in S.No.40/1 to an extent of 35 cents in Thalalay Nadanthan Kulam Village, Therku Mylodai Majaara, Kovilpatti, Thoothukudi District by considering the representation dated 21.12.2021.

For Petitioner : Mr.S.Vashik Ali
for Mr.D.Nallathambi

For Respondents 1 to 3 : Mr.B.Saravanan
Additional Government Pleader

For Respondents 4 & 5 : Mr.K.S.Selvaganesan
Additional Government Pleader



O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents more particularly to the fourth and fifth respondents not to construct any building for Samuthaya Kudam and alter the land for public park with respect to the Natham land in S.No.40/1 to an extent of 35 cents in Thalalay Nadanthan Kulam Village, Therku Mylodai Majaara, Kovilpatti, Thoothukudi District by considering the petitioner's representation dated 21.12.2021.

2.The petitioner is aggrieved by the construction of the building for Samuthaya Kudam at the aforementioned address.

3.Heard Mr.S.Vashik Ali for Mr.D.Nallathambi, learned Counsel appearing for the writ petitioner, Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of respondents 1 to 3 and Mr.K.S.Selvaganesan, learned Additional Government Pleader who accepts notice on behalf of the respondents 4 and 5.

4.Learned Additional Government Pleader on instructions would submit that the earlier proposal to construct the Samuthaya Kudam in S.No.40/1 measuring an extent of 35 cents in Thalalay Nadanthan Kulam Village, Therku Mylodai Majaara, Kovilpatti, Thoothukudi District has now been dropped and it is now proposed to be constructed at Therku Mylodai Village, which is a different place.

5.Since the earlier proposal has been dropped, this Court is of the considered view that the apprehension of the petitioner is no more there, as the place for construction of Samuthaya Kudam has been shifted. In terms of the undertaking given by the respondents through the communication dated 25.03.2022 sent by the Block Development Officer, Kayathar, to the Government Pleader, this writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



To

- 1.The District Collector,
Collectorate,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Tahsildar Office,
Kayathar,
Thoothukudi District.
- 4.The Block Development Officer,
Block Development Office,
Kayathar,
Thoothukudi District.
- 5.The President,
Therku Mylodai Panchayat Union,
Therku Mylodai,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-15043[F] dated 29/03/2022)

+1 CC to M/s.SPL GP (SR-15081[F] dated 29/03/2022)

W.P.[MD]No.5412 of 2022

28.03.2022

MGJ(06.04.2022) 3P 8C