



W.P(MD).No.11846 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11846 of 2014

and

M.P(MD) No.1 of 2014

R.Mathiyazhagan

... Petitioner

-VS-

1. The District Collector,
Thanjavur.
2. The Assistant Director,
Department of Rural Development,
Thanjavur.
3. M.Vijayadoss
4. The Executive Engineer,
Public Works Department,
Papanasam,
Thanjavur District.
(R-4 is *Suo motu* impleaded, vide order
of this Court, dated 26.10.2022 in
W.P(MD) No.11846 of 2014)

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent to



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consider the petitioner's representation dated 09.06.2014 and to restrain the third respondent from constructing a culvert across the Channel running East to West in adjacent to the Survey Nos.262, 252, 276, 292, 293 and 296 in Pasupathikovil Village, Thanjavur.

For Petitioner : Mr.P.Sesubalanraja
For R-1, R-2 : Mr.M.Lingadurai
and R-4 : Special Government Pleader
For R-3 : Mr.K.Kumaravel

ORDER

The present Writ Petition has been filed seeking a writ of Mandamus directing the first respondent to consider the representation of the petitioner and to restrain the third respondent from constructing a culvert running East to West adjacent to the Survey Numbers, which belongs to the writ petitioner and other agriculturists.

2. According to the writ petitioner, the agriculturists who are the owners of the survey numbers mentioned in the prayer, are using the said channel to reach the agricultural field. However, due to the construction of a parapet wall, the entire access to the property of the writ petitioner and other



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agriculturalists has been obstructed and hence, the present Writ Petition has been filed.

3. According to the learned counsel for the third respondent, the said culvert has been constructed after obtaining permission from the Government and it has also been handed over to the official respondents.

4. The learned Special Government Pleader appearing for the official respondents also confirms that after construction, the culvert has been handed over to the Government. Hence, as on today the culvert is maintained by the Government.

5. The main contention of the writ petitioner is that the writ petitioner and other agriculturists are not in a position to have access to their agricultural property in view of the parapet wall in the culvert. In case, if the petitioner and other agriculturists feel that the access to their lands has to be done only through the private property of the third respondent, they have to approach the competent civil Court to establish the right of easement through the private property of the third respondent. Since the culvert has



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already been constructed and handed over to the Government, the question of issuing a Mandamus forbearing the third respondent for constructing the said culvert does not arise.

6. With the above said observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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