



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction



Tuesday, the Thirteenth day of September Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.MAHADEVAN
AND
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CMP(MD) . No.8291 of 2022

IN

WA(MD)1020 OF 2020

A. Loganathan, ... Petitioner/Appellant

Vs

1 The District Collector,
Thanjavur District Thanjavur.

2 The Block Development Officer
Madukkur Panchayat Union,
Pattukkottai Taluk,
Thanjavur District.

3 The President,
Mannangadu Panchayat,
Mannangadu Post,
Pattukkottai Taluk,
Thanjavur District - 614613.

... Respondents/Respondents

Prayer CMP(MD) 8291/2022:-

This Miscellaneous petition filed under order 26 Rule 9 of C.P.C, to appoint an Advocate Commissioner to inspect the Adaikkalamkathan Kovil Road for a distance of 2330 meters at Mannangadu Panchayat, Pattukkottai Taluk, Thanjavur District and file a report on the real position of the entire road before this Honourable Court pending disposal of the above writ appeal and thus render justice.

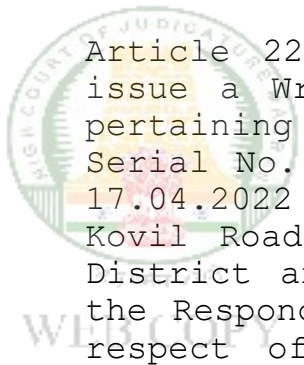
Prayer in WA(MD). 1020/ 2022 :

Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order dated 12.08.2022 made in W.P. (MD). NO. 18368 of 2022 by His Lordship Mr. Justice. G.R. SWAMINATHAN J on the file of this Honourable High Court for the following among other.

Prayer in WP(MD). 18368/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under

<https://www.mhc.tn.gov.in/judis>



Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order passed by the 1st respondent in Serial No. 8 vide his proceeding in Na.Ka. No. 1370/2020/A2, dated 17.04.2022 strengthen of the 0.0 to 0/461 meters of Adaikkalamkathan Kovil Road at Mannangadu Panchayat, Pattukkottai Taluk, Thanjavur District and quash the same as illegal and consequently directing the Respondents to lay the extension Tar Road beyond 900 meters in respect of Adaikkalamkathan Kovil Road at Mannangadu Panchayat, Pattukkottai Taluk, Thanjavur District as per the Grama Sabha Resolution No. 4 held on Republic Day on 26.01.2020 by the 3rd respondent's panchayat within stipulated time as fixed by this Court.

ORDER:- This MIScellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms.A.C.Asaithambi, Advocate for the Petitioner and of Mr.G.V.Vairam Santhosh, Government Advocate for the respondents, this Court made the following order:

(Order of the Court was made by **R.MAHADEVAN, J.**)

The main allegation made by the petitioner is that public funds are misappropriated and the respondents are laying Tar Road, in a portion of Adaikkalamkathan Road at Mannangadu Panchayat, Pattukkottai Taluk, Thanjavur District, which has already been laid and only to swindle the money, such proposal is meted out. In order to ascertain the above position, this petition is ordered and Advocate Mr.K.Murugan (Enrollment No.3311 of 2013 and Mobile No.8508902828) is appointed as Advocate Commissioner.

2. The Advocate Commissioner shall inspect the Adaikkalamkathan Road at Mannangadu Panchayat, Pattukkottai Taluk, Thanjavur District, with regard to the existence of the Tar Road, after issuing notice to the petitioner and the officials concerned, and file a report within a period of two weeks from today.

3. The petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty thousand only) as remuneration, including travel and other expenses, to the Advocate Commissioner.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)



TO

1. The District Collector,
Thanjavur District Thanjavur.
2. The Block Development Officer
Madukkur Panchayat Union,
Pattukkottai Taluk,
Thanjavur District.
3. The President,
Mannangadu Panchayat Mannangadu Post
Pattukkottai Taluk,
Thanjavur District - 614613.

Copy to:

1. MR.K.MURUGAN,
ENROLLMENT NO.3311 OF 2013,
51, Law Chamber, Mobile NO.8508902828
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 13/09/2022

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ORDER

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CMP(MD) . No.8291 of 2022

IN

WA(MD)1020 OF 2020

Giving direction and etc.
as stated within.

KB(19.09.2022) 3P 6C