



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.2053 of 2014

and

M.P. (MD) .No.1 of 2014

S.Manikandan

... Petitioner

**Vs.**

1.The District Collector,  
Madurai District,  
Madurai.

2.Madurai Corporation,  
Represented by its Commissioner,  
Arignar Anna Maligai,  
Madurai - 625 020.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent or their contractor or anybody claiming under them for blocking the 25 feet connecting road between Marudhankulam Road and Madurai-Alagarkovil Main Road situated in R.S.No.26/1 and 29 of Marudhankulam Village, Madurai and extending the burial ground on the northern side of the connecting road bearing S.No.26/1 and 29 of Marudhankulam Village.

|                |   |                                                 |
|----------------|---|-------------------------------------------------|
| For Petitioner | : | Mr.Sankaralingam<br>for Mr.R.Subramanian        |
| For R-1        | : | Mr.M.Lingadurai,<br>Special Government Pleader. |
| For R-2        | : | Mr.R.Murali,<br>Standing Counsel.               |

**ORDER**

This Writ Petition has been filed for a Mandamus seeking for a direction to forbear the second respondent or their contractor or anybody claiming under them for blocking the 25 feet connecting road between Marudhankulam Road and Madurai-Alagarkovil Main Road



situated in R.S.Nos.26/1 and 29 of Marudhankulam village, Madurai and extending the burial ground on the northern side of the connecting road bearing S.Nos.26/1 and 29 of Marudhankulam Village.

2. Heard Mr.Sankaralingam, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice for the first respondent and Mr.R.Murali, learned Standing Counsel, who accepts notice for the second respondent.

3. At the outset, learned counsel for the petitioner would submit that even though a positive direction has been sought for in this Writ Petition, the petitioner is satisfied, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner. The said statement is recorded.

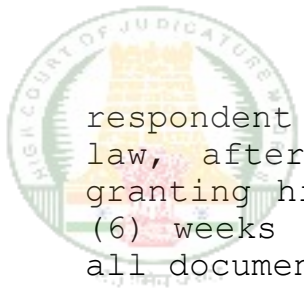
4. The petitioner has given a representation on 06.02.2014 seeking for the relief as sought for in this Writ Petition. Admittedly, the said representation has not been considered till date. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law. According to the petitioner, his access to the public road has been blocked by the construction of a compound wall by the second respondent for the burial ground adjoining the petitioner's property. The petitioner has filed the following documents along with this Writ Petition:

- a) Copy of Layout Plan No.108/07 dated 05.11.2007,
- b) Receipt for license fee dated 11.01.2013,
- c) Order passed by this Court in W.P.(MD).No.5265 of 2013 dated 22.04.2013,
- d) Property tax receipt dated 15.10.2013 and
- e) Representation of the petitioner dated 06.02.2014.

5. It is for the respondents to consider the aforementioned documents in the final order to be passed by them on the petitioner's representation seeking to forbear them to put up a compound wall blocking the pathway of the petitioner.

6. Mr.R.Murali, learned Standing Counsel for the second respondent, on instructions, would submit that the petitioner will have to give a fresh representation for the relief sought for in this Writ Petition. The said statement is recorded. Learned counsel for the petitioner submits that the petitioner is also willing to give a fresh representation.

7. After recording the submissions of the respective counsels, this Court directs the petitioner to submit a fresh representation to the respondents requesting to remove the compound wall blocking the public pathway in the Layout Plan No.108/07 dated 05.11.2007, within a period of one (1) week from the date of receipt of a copy of the said representation. On receipt of the said representation, the second



respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of six (6) weeks thereafter. The petitioner is also permitted to produce all documentary evidence in support of his contention.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1 The District Collector,  
Madurai District,  
Madurai.

2 The Commissioner, Madurai Corporation,  
Arignar Anna Maligai,  
Madurai - 625 020.

+1 CC to M/s.R.SUBRAMANIAN, Advocate ( SR-12853[F] dated 18/03/2022 )

+1 CC to M/s.R.MURALI, Advocate ( SR-13080[F] dated 18/03/2022 )

+1 CC to M/s.SPL GP ( SR-12948[F] dated 18/03/2022 )

+1 CC to M/s.SPL GP ( SR-12984[F] dated 18/03/2022 )

**W.P. (MD) .No.2053 of 2014**  
**17.03.2022**

SS/25.03.2022 : 3P/7C

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