



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.21851 of 2021

and

W.M.P. (MD)No.18441 of 2021

WEB COPY

Vijayakumar

... Petitioner

vs.

1.The District Collector,
Karur.

2.The Tahsildar,
Kulithalai, Karur District.

3.The Block Development Officer,
(Village Panchayat),
Kulithalai Panchayat Union,
Karur District.

4.The President,
Inungur Panchayat Board,
Kulithalai Taluk, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the order of the second respondent in Na.Ka.A4/3496/2021, dated 24.11.2021 and quash the same as illegal and forbearing the respondents from constructing the over head tank on the cart track in Kulithalai Taluk, Inungur Vilage in S.F.Nos.191 and 192.

For Petitioner :Mr.S.Muthukrishnan

For R1 and R2 :Mr.D.Ghandiraj

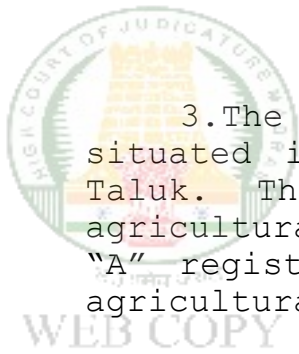
Special Government Pleader

For R3 and R4 :Mr.M.Ramesh

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the second respondent/Tahsildar, Kuzhithalai Taluk, Karur District and to forebear the respondents from constructing the over head tank on the cart track in Kulithalai Taluk, Inungur Village in S.F.Nos.191 and 192.

2.Heard Mr.S.Muthukrishnan, learned Counsel for the petitioner, Mr.D.Ghandiraj, learned Special Government Pleader for Respondents 1 and 2 and Mr.M.Ramesh, learned Counsel for the Respondents 3 and 4.



3.The petitioner in his affidavit stated that a cart track is situated in S.F.Nos.191 and 192 of Inungur Village, Kulithalai Taluk. The petitioner uses this particular cart track to reach his agricultural land. It is also shown as a cart track in the FMB and "A" register. The petitioner uses the cart track to go to his agricultural land by tractor and by other vehicles.

4.It is stated that the respondents 3 and 4, namely, the Block Development Officer (Village Panchayat), Kulithalai Panchayat Union and the President, Inungur Panchayat Board, had constructed over head tank. It is stated that it is obstructing the cart track.

5.Photographs have been produced. It is the contention of Mr.D.Ghandiraj, learned Special Government Pleader appearing on behalf of Respondents 1 and 2 that a casual look of the photographs would reveal that the over head tank is constructed only on the side of the road and not obstructing the road.

6.I am confident that any official who builds any construction abutting the road would make sure and take safeguards to ensure the free flow of the traffic and whatever may be the nature of vehicle it would not be obstructed owing to the construction.

7.In this case, the construction is an over head tank, which is also for public purpose. It is not meant for any private purpose. The cart track would not be obstructed. Let an inspection also, if required, be done in the presence of the petitioner by the respondents 2, 3 and 4 and if the cart track, as seen from the photographs, is visible, let it be marked in proper manner, so that the vehicles will know the flow of the pathway and let necessary precautions made to ensure that the tractor or any other vehicle does not collide with the over head tank, which is now constructed. The petitioner should also be very careful while driving his tractor across the road. The construction of the over head tank may be continued and be completed, but necessary safeguards should be done.

8.With the said observations, the Writ Petitions is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To

1.The District Collector,
Karur.

2.The Tahsildar,
Kulithalai, Karur District.

3.The Block Development Officer,
(Village Panchayat),
Kulithalai Panchayat Union,
Karur District.

+1 CC to M/s.SPL.GP (SR-1013[F] dated 10/01/2022)

W.P. (MD) No.21851 of 2021
07.01.2022

MGJ(24.01.2022) 3P 5C