



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24402 of 2022

Thilagarani

..Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 2.The District Project Officer,
Integrated Child Development Services,
Tirunelveli.
- 3.The Child Development Project Officer,
Cheranmahadevi,
Tirunelveli District.
- 4.The Block Development Officer,
Cheranmahadevi,
Tirunelveli District.

(R4 is suo-motu impleaded by this Court as per order made in
W.P(MD)No.24402 of 2022 dated 27.10.2022) ..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from constructing the Anganwadi Centre in the public pathway situated in front and on the eastern side of the Petitioner's house in S.No.404, situated at South Veeravanallur Village Part-I, Cheranmahadevi Taluk, Tirunelveli District by considering the Petitioner's representation, dated 12.10.2022.



For Petitioner :Mr.S.Sathiya Chidambaram

For Respondents:Mr.A.Kannan
1 to 4 Addl.Govt.Pleader

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus forbearing the respondents from constructing the Anganwadi Centre in the public pathway situated in front and on the eastern side of the Petitioner's house in S.No.404, situated at South Veeravanallur Village Part-I, Cheranmahadevi Taluk, Tirunelveli District by considering the Petitioner's representation, dated 12.10.2022.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the Petitioner's property originally comprised in S.No.404 of the above said village belonged to one Vanaja, who became the owner of the same by virtue of sale deed, dated 10.3.2020 vide Document No.200/2010 executed by one Muthu and there was a constructed house in the said property. The said Vanaja had settled the said property in favour of one Sundaresan through his wife namely, Vanaja vide Document No.1126/2010, dated 9.12.2010 and thus, he became the absolute owner of the said property and thereafter, the same

was purchased by the Petitioner from the said Sundaresan and there is a



north south pathway existing covering the eastern side which is of three meters length and there is no other pathway for ingress and egress. Now the respondents have decided to construct a Anganwadi Centre in the public pathway and the construction has been started. Without heeding to the request of the Petitioner not to construct the Anganwadi Centre in the public pathway, the respondents have started construction work. Hence the Petitioner had sent a detailed representation on 12.10.2022 to the respondents in this respect, but the same has not been considered so far. Hence the Petitioner has come forward with the present Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents was directed to get instructions from the authorities concerned and today, the learned Additional Government Pleader has produced instruction from the Block Development Officer, Cheranmahadevi stating that 250 families are in the said locality and that the Anganwadi Centre is functioning there in the rented premises for about 20 years and only after getting the opinion of the Village Administrative Officer, constructed was started in S.No.404 in the Poramboke land situated in Bharathi Nagar. The Petitioner has objected for the same stating that her right of easement has been affected by constructing the same. Further there is a 8 feet pathway on the front portion of the Petitioner's house and a 14 feet pathway on the backdoor of



the Petitioner's house. As the residents of that area are agricultural workers, they have accommodate their children in the Anganwadi Centre which was 1 km away from that place. Hence on the request of the general public, the Government has taken every steps to construct a Anganwadi Centre in the Government Poramboke land at Bharathi Nagar and accorded permission for the same. Moreover 50 residents of that area has given letter to the District Collector, Tirunelveli to construct the Anganwadi Centre in the proposed place.

5.The learned Additional Government Pleader had also submitted the proceedings of the District Collector Tirunelveli in Na.Ka.No. 3414/2022, dated 14.07.2022, wherein, it has been stated that permission has been granted to construct a Anganwadi Centre at Bharathi Nagar as abovementioned at an estimated cost of Rs.12,61,000/-.

6.From the above two proceedings, it is seen that the Petitioner has two pathways one 8 feet pathway and another one 14 feet pathway on the front and back side of the Petitioner's house and the Petitioner's submission that the Petitioner has no pathway if the Anganwadi Centre was constructed in the proposed place, is not acceptable.

7.The learned Additional Government Pleader has also produced a photograph to show the topography of that place, which shows that there



Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.24402 of 2022

07.11.2022



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