



W.P.(MD)No.24629 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24629 of 2022
and
W.M.P.(MD)No.18722 of 2022

Justin Raj, S/o.Sundarraaj

.. Petitioner

Versus

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Block Development Officer,
Killiyoor Panchayat Union,
Killiyoor,
Kanyakumari District.

3.The President,
Kollanchi Village Panchayat,
Nattalam Post,
Kanyakumari District.

4.Paul Raj, S/o.Jhagamani

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized 1 foot height concrete layer put up by the fourth respondent in front of the petitioner's house at Pullani – Chemudhal Road, maintained by the third respondent Village Panchayat.



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For Petitioner : Mr.C.K.M.Appaji
For 1st Respondent : Ms.K.Christy Theboral
Additional Government Pleader
For Respondents 2 and 3 : Mr.A.Baskaran
Additional Government Pleader
For 4th Respondent : Mr.Balamurugan

ORDER

The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized 1 feet height concrete layer put up by the fourth respondent in front of his house at Pullani-Chemudhal Road, maintained by the third respondent Village Panchayat.

2. According to the petitioner, the fourth respondent's house is located adjacent to Pullani-Chemudhal Road. In order to obstruct the vehicular traffic and cause hindrance to the Villagers, the fourth respondent herein put up a concrete layer in front of his house, covering the entire road at one feet height. The unauthorised structure laid in the main road is causing obstruction to the vehicular traffic and the Villagers are not in a position to move their vehicles freely and whenever the petitioner is trying to cross the concrete layer put up by the fourth respondent, his vehicles are getting damaged by hitting the edges of the concrete layer and there is an imminent



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danger to his life and properties. Therefore, on 26.06.2022, the Villagers sent a representation to the second respondent, requesting him to remove the obstruction caused by the fourth respondent in the Panchayat road. Consequently, the second respondent, vide his proceedings dated 18.07.2022, directed the third respondent to remove the obstruction caused by the fourth respondent in the said road. Since no action was taken, on 05.09.2022, the petitioner sent a representation to the first respondent to remove the concrete layer put up by the fourth respondent in the Panchayat road. However, no action has been taken. Therefore, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3. Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the first respondent has produced the photographs and submitted that the petitioner's claim was considered by the authorities concerned and a resolution has also been passed, for removing the said concrete layer and accordingly, the same was removed.

4. On a perusal of the photographs, dated 07.11.2022, produced by the learned Additional Government Pleader appearing for the first respondent, it is seen that the concrete layer put up by the fourth respondent has been removed, pursuant to resolution passed in this regard by the third respondent



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Village Panchayat. Perusal of the records shows that the place in question is a hilly area and therefore, naturally, the road would have got ups and downs and hence, the petitioner's claim that it is a big main road and that there is a big vehicular traffic, are not acceptable. However, this Court directs the third respondent herein to respond to such complaint, if any, arises in future.

5. This Writ Petition stands closed accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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