



W.P.(MD)No.24647 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.24647 of 2022
and W.M.P.(MD) No.18748 of 2022

Dr.G.Visva Bharathi,
Represented through his Power Agent,
M.Murugan S/o. Maharajan,
N.S.V.Pannai,
Kattapulinar,
Samayanallur Post,
Madurai – 625 402.

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Madurai District,
Madurai.
- 2.The Superintending Engineer,
National Highways,
No.5, Besant Road,
China Chokikulam,
Madurai – 625 002.
- 3.Executive Engineer,
PWD, Water Resource Division,
Periyar Vaigai Drainage Division,
Madurai – 2.
- 4.Assistant Engineer,
PWD, Water Resource Division,
Periyar Vaigai Drainage Division,
Madurai – 2.



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5.S.Vijayan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd Respondent to take appropriate action to remove all obstructions to the access of petitioner for ingress and egress to reach the petitioner's principal's land to carryout agriculture operation and also restore the Water Channel passage to its original position intended for the agriculture operation in Survey No.119/3B3, 119/7, 119/13, and 119/4B, Thenur 1st bit village, Madurai North Taluk, Madurai District.

For Petitioner : Mr.K.Muraleedharan

For Respondents 1 to 4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the 2nd respondent to take appropriate action to remove all obstructions made to the ingress and egress of his principal's land to carryout agriculture operations and also to restore the Water Channel passage, intended for the agriculture operation in Survey No.119/3B3, 119/7, 119/13, and 119/4B, Thenur 1st bit village, Madurai North Taluk, Madurai District, to its original position.



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2. Heard Mr.K.Muraleedharan, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondent 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 5th respondent is dispensed with.

4. Alleging that the 5th respondent has obstructed the petitioner's ingress and egress from all points to his principal's land and also to the main road by dumping waste stones and waste bitumen and also obliterated the PWD water channel, through which petitioner's agricultural operations are being carried out, the petitioner submitted a representation to the respondents 1 and 2 on 10.10.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he



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would be satisfied, if a direction is issued to the respondents 1 and 2 to dispose of his representation dated 10.10.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the respondents 1 and 2 to consider the representation of the petitioner dated 10.10.2022 and pass appropriate orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
31.10.2022

Internet : Yes / No

Index : Yes / No

sj



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J.SATHYA NARAYANA PRASAD, J.

sj

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