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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.11.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2857 of 2016
and
W.M.P(MD)No.2524 of 2016

Shanmugakani ... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Valliyoor Panchayat Union,
Valliyoor-627 117,
Radhapuram Taluk,
Tirunelveli District.

3.The President,
Irukandurai Panchayat,
Irukandurai,
Radhapuram Taluk,
Tirunelveli District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to make any construction of any barrier wall or obstruction of any kind in front of the petitioner's land to extent of acres

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8 cents 5 with well and electric pump set and houses in survey No.43/1, 44/2, 44/3, 43/2 and 45/2 at Irukandurai Village, Radhapuram Taluk, Tirunelveli District, thereby blocking the petitioner access to her above land from the east-west cement road, available in the adjacent southern side of her above property by considering the petitioner's representation dated 25.01.2016.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the authorities not to put up any barrier wall or obstruction, obstructing the access of the petitioner to his private patta land in survey numbers mentioned in the prayer.

2. According to the learned counsel for the petitioner, the respondents 2 and 3 were attempting to put up a construction by way of a Wall. Hence, the present writ petition has been filed.

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3. On instructions, the learned Additional Government Pleader appearing for the respondents submitted that an attempt was made in the year 2016 to put up a barrier to avoid flooding of the agricultural lands. However, due to objection raised by the writ petitioner, the said plan has been dropped and as on today, there is no Wall or obstruction, obstructing the access of the writ petitioner to his agricultural lands.

4. In view of the above said facts, the authorities are directed not to put up any barrier or any Wall, which would obstruct the access of the writ petitioner to his private lands. However, the authorities are at liberty to make arrangements for free flow of the rain water, without obstructing the access of the writ petitioner.

5. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

30.11.2022

Index : Yes / No
Internet : Yes / No
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Order made in
W.P(MD)No.2857 of 2016

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