



W.P.(MD)No.26480 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

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CORAM

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

W.P.(MD)No.26480 of 2022
and
W.M.P.(MD) No.20659 of 2022

Pothiyan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Block Development Officer,
Peravurani Panchayat Union at Avanam,
Peravurani Taluk,
Thanjavur District.

3.P.Thirupathi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to forbear the 2nd respondent from permitting the 3rd respondent to erect underground pipe line on the side of the village road which is around 750 meters based on the representation made by the petitioner dated 05.05.2022 and 09.05.2022.

For Petitioner

: Mr.D.R.Murugesan



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W.P.(MD)No.26480 of 2022

For Respondents 1 & 2 : Mr.P.Thilak Kumar
Special Government Pleader

* * *

ORDER

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

This Writ Petition has been filed by the petitioner, seeking issuance of a Writ of Mandamus, forbearing the 2nd respondent from permitting the 3rd respondent to erect an underground pipe line on the side of the village road which is around 750 meters based on his representations dated 05.05.2022 and 09.05.2022.

2. Heard Mr.D.R.Murugesan, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 and 2. 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 3rd respondent is dispensed with.



W.P.(MD)No.26480 of 2022

WEB COPY

4. According to the petitioner, the villagers of Koravayal Kadu had voluntarily gifted their lands to the Panchayat to enable it to lay the Koravayal Kadu Village Road, which connects the Ottankadu Town Road. However, the 3rd respondent has not gifted his land for laying the road, hence, out of 5 Kms, only 4 Kms. of the road could be converted as tar road. Now, the 3rd respondent has approached the 2nd respondent for laying an underground pipeline to his land on the side of the village road, which was laid on the land gifted by the villagers and the 2nd respondent has also directed the Panchayat to permit the 3rd respondent to erect an underground pipeline. Hence, the Writ Petition.

4. Learned Government Pleader appearing for the respondents 1 and 2 on instructions submitted that before permitting the 3rd respondent to lay the underground pipeline to his land on the side of the village road objections of all the parties would be heard.

5. Recording the said submission of the learned Government Pleader appearing for the respondents 1 and 2, the



W.P.(MD)No.26480 of 2022

Writ Petition is closed. No costs. Consequently, connected

Miscellaneous Petition is also closed.

[R.M.D., J.] [J.S.N.P., J.]
24.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

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W.P.(MD)No.26480 of 2022

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W.P(MD)No.26480 of 2022

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