



W.P.(MD)No.27073 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2022

CORAM

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

W.P.(MD)No.27073 of 2022
and
WMP(MD) No.21230 of 2022

Nadesan

... Petitioner

Vs.

1. The District Collector,
Sivagangai, Sivagangai District.

2. The Revenue Divisional Officer,
Ramnagar, Devakottai,
Sivagangai District.

3. The Tahsildar,
Devakottai, Sivagangai District.

4. The Commissioner,
Devakottai Municipality, Devakottai,
Sivagangai District.

5. The Chairman,
Devakottai Municipality, Devakottai,
Sivagangai District.

6. T.Pandi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to



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issue a Writ of Mandamus, directing the respondents to remove the proposed offending construction by the sixth respondent in Ward No.15, Block No.7, nearby water channel in Survey No.16, Block No.2, Ward No.15 in Eraguseri, Devakottai Taluk, Sivagangai District and consequently, direct the respondents 1 to 5 herein to put the Fair Price Shop in any other vacant site in Ward No.15 in Eraguseri, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.B.Muruganandam

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for R1 to R3
Mr.Ananda Kumar for R4 and R5

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 respondents to remove the proposed offending construction by the sixth respondent in Ward No.15, Block No.7, nearby water channel in Survey No.16, Block No.2, Ward No.15 in Eraguseri, Devakottai Taluk, Sivagangai District and direct the respondents 1 to 5, to construct the Fair Price Shop in any other vacant site in Ward No.15 in Eraguseri, Devakottai Taluk, Sivagangai District.



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2. Heard Mr.B.Muruganandam, learned counsel for the petitioner; Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.Ananda Kumar, learned counsel, who accepts notice on behalf of the respondents 4 and 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Learned counsel for the petitioner submitted that there is a Oorani in S.No.25 and rain water reaches the said Oorani throught its supply channel in S.No.16. The respondents 4 and 5 have called for public tender for construction of a fair price shop and pursuant thereto, the sixth respondent is proceeding with the said construction work. According to the learned counsel for the petitioner, if fair price shop is constructed in S.No.15, during rainy season the shop will be surrounded by floods and it will also damage the building and also the water channel. Hence, the petitioner made a representation on 07.11.2022 to the respondents, but the same did not yield any response from the respondents. Hence, this writ petition.

4. Learned counsel for the petitioner further submitted that it is suffice if the petitioner's representation dated 07.11.2022, seeking to drop the



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proposed construction of fair price shop adjacent to the water channel and to construct the same in any other vacant land, is considered and disposed of within a time frame, for which, learned Government Pleader has agreed.

5. Considering the limited prayer sought for by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 3, to consider the representation of the petitioner dated 07.11.2022 and pass appropriate orders on merits and in accordance with law, within a period of eight 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.]
01.12.2022

Internet : Yes / No
Index : Yes / No
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