



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27337 of 2022

and

W.M.P(MD)Nos.21443 and 21444 of 2022

Ezhilarasi

..Petitioner

Vs

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Town Panchayat,
Town Panchayat Office,
Vilathikulam,
Thoothukudi District.
- 3.The Executive Officer,
Town Panchayat Office,
Vilathikulam,
Thoothukudi District.
- 4.The Assistant Engineer,
Town Panchayat Office,
Vilathikulam,
Thoothukudi District.
- 5.Varadharajan
Son of Perumal,
Ex.Chairman,
Vilathikulam Panchayat Union,
Bungalow Street,
Vilathikulam,
Thoothukudi District.

6.Ponnuthevar

..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 1 to 4 not to lay the road across the Petitioner's land comprised in Resurvey No.9/6B1, to an extent of 15 $\frac{3}{4}$ cents out of 46 cents situated at Vilathikulam, Thoothukudi District by storing metal jelly, gravel and other materials on the ridge of the Petitioner's land view a view to illegally lay a road across the petitioner's property, by considering the Petitioner's representation, dated 21.11.2022.

For Petitioner : Mr.R.Murugan

For Respondents : Mrs.K.Christy Theboral
1, 2 and 4 Addl.Govt.Pleader

For Respondent-3 : Mr.D.Sadiq Raja
Addl.Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents 1 to 4 not to lay the road across the Petitioner's land comprised in Resurvey No.9/6B1, to an extent of 15 $\frac{3}{4}$ cents out of 46 cents situated at Vilathikulam, Thoothukudi District by storing metal jelly, gravel and other materials on the ridge of the Petitioner's land view a view to illegally lay a road across the petitioner's property, by considering the Petitioner's representation, dated 21.11.2022.

2.Mrs.K.Christy Theboral, learned Additional Government Pleader takes notice for the respondents 1,2 and 4 and Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the third respondent. By



consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. When the matter is taken up for hearing today, the learned Additional Government Pleaders appearing for the official respondents produced a communication of the Executive Officer, Vilathikulam Town Panchayat, Thoothukudi District, dated 1.12.2022, wherein, it is stated that the Town Panchayat has not laid any road in private bearing in S.No. 9/6B1A. Further it is stated that near the water tank in the above said place, gravel sand and jelly was dumped for laying the roads damaged due to rain, from the MLA fund of Vilathikulam. Hence it is not true to say that the authorities have laid road on the private property of the Petitioner. Further near S.No.9/6BA, land classified as Cart Track was there which leads to Mettupatti Village. Further they have taken steps through Revenue Department for survey of the said Car Track. Further, the learned Additional Government Pleaders would submit that the Jelly and Gravel sand were dumped near the Petitioner's land will be removed after the completion of the repair works.

4. From the above, it is clear that the Town Panchayat authorities have not laid any road on the Petitioner's land and they have only dumped the gravel and jelly and other construction materials on the edge of the road near the Petitioner's land. Hence the Petitioner has not made out any



case for the grant of the relief sought for by the Petitioner.

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5.In view of the above facts, recording the above said facts, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.12.2022

Index : Yes/No
Internet:Yes/No
vsn

To

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- 4.The Assistant Engineer,
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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27337 of 2022
and
W.M.P(MD)Nos.21443 and
21444 of 2022

02.12.2022



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