



WEB COPY



W.P.No.1942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.1942 of 2023

R.Sithirai Selvan @ R.Sithirai Selvam ... Petitioner

Vs

1.The District collector
District collector office
Perundurai Road, Erode 638 011

2.The Divisional Engineer
Construction and Maintenance Highway Department
Poonthurai Road, Erode 638 002

3.The Assistant Engineer
Construction and Maintenance Highway Department
Meenatchi Suntharanar Road
Erode 638 001

4.The Divisional Engineer
Tamil Nadu Road Development Project II
District Collector Office,
Tiruppur 641 604

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 28.11.2022

For the Petitioner : Mr.Deepanuday

For the Respondents : Mr.U.Baranitharan,
Additional Government Pleader



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ORDER

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The petitioner had given a representation dated 28.11.2022. The present writ petition has been filed in the nature of mandamus seeking consideration of the said representation.

2. The petitioner is the owner of the property at Door No. 243/1, 243/11 and 247/2012 at Periyasemur Village, Erode District. He purchased the said vacant land on 31.05.2006. The property is located near Erode to Sathy Highway. The Highway is extending to Chithode and additional new road is also added to the layout. Culverts were constructed so that sewage can flow below the culvert without disturbing the said highway.

3. It is stated that the culvert was constructed at 16 feet height from the ground level and therefore it has hidden the property of the petitioner herein.

4. It is stated that there are no barriers or walls to direct the sewage water flow and the sewage water is entering into the lands of the petitioner. The petitioner had given an representation.



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5. Learned counsel had forwarded an order passed in the said representation in Na.Ka. 9(a)/2017/EVA/dated 27.12.2022, where in the petitioner has been given permission like all other owners in that particular place to build the culvert with the permission of the Highways Department.

6. It is now for the petitioner to build the culvert after getting necessary permission. The respondents cannot be issued with a mandamus to do any further act on the representation of the petitioner.

7. A copy of said order had also been addressed to the petitioner and given to the learned counsel. Nothing further remains to be adjudicated.

8. The writ petition stands disposed of. No costs.

15.02.2023

Index: Yes/no
mrn



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To

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C.V.KARTHIKEYAN, J.
(mrn)

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