



W.P.No.5536 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.5536 of 2020 and
W.M.P.6475 of 2020

L.Kannan

... Petitioner

Vs.

1. The District Collector,
Kallakurichi District,
Kallakurichi – 606 202.
2. The Assistant Executive Engineer,
Public Workers Department (Water source),
Vellaru Vadinilai Sub Division,
Viruthachalam 606 001.
3. The Block Development officer,
Thiygadurgam Panchayat Union,
Kallakurichi Taluk & District.
4. The Commissioner,
Thiygadurgam Panchayat Union,
Kallakurichi Taluk & District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to form the Paddy Field Road in S.F.No.65/7, in Vadathorasalur Village, Kallakurichi Taluk and District permission granted by the second respondent vide Ka.No.1779/23/Ko.10/2010 dated 04.03.2011 forthwith.



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For Petitioner : Mr.V.Manohar

For Respondents : Mr.M.Alagu Goutham
Government Advocate for R1
and R2

Mr.C.Jaya Prakash for R3

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to form the Paddy Field Road in S.F.No.65/7, in Vadathorasalur Village, Kallakurichi Taluk and District permission granted by the second respondent vide Ka.No.1779/23/Ko.10/2010 dated 04.03.2011 forthwith.

2. It is the case of the petitioner that alleging the non compliance of order dated 04.03.2011, granting permission for laying of road pursuant to the order passed by this Court in W.P.No.26610 of 2009 dated 02.02.2010, the petitioner submits that inspite of the said order till date no road has been formed, despite an elapse of nine years. Hence the petitioner has come forward with this writ petition seeking the relief stated supra.

3. Learned counsel for the petitioner submits that, though the



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permission was granted for laying of road vide proceedings dated 04.03.2011 of the Executive Engineer, Virudhachalam, however, till date the said order was not implemented. Hence it would suffice if this Court issues a direction to the respondents to pass appropriate orders based on the proceedings of the Executive Engineer, Virudhachalam dated 04.03.2011.

4. Learned Government Advocate appearing for respondents 1 and 2 filed a report dated 15.04.2023 of the Block Development Officer / third respondent herein, before this Court stating that a sum of Rs.14 lakhs has been allotted as per Mahatma Gandhi National Rural Development Scheme and as per Tamil Nadu Rural Roads Improvement Scheme (TNRRIS) for laying of road and that the work order was also issued to the Public Works Department for laying road for about 1 ½ kilometers without causing any disturbance to the water bodies. Hence, he prayed for passing appropriate orders.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. The report filed by the Block Development Officer dated



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15.04.2023 is taken on record on 17.04.2023.

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7. In view of the said submissions and the report filed by the learned Government Advocate appearing for the respondents 1 and 2, this Court directs the third respondent to implement the proceedings dated 15.04.2023 of the third respondent / Block Development Officer, Kallakurichi District within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

17.04.2023

Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
(rap)



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M.DHANDAPANI, J.

(rap)

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