



WP No.9494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.9494 of 2023
and WMP No.9564 of 2023

Deivanai

... Petitioner

-VS-

The State Rep. by

1. The District Collector,
O/o. District Collector Office,
Cuddalore District.
2. The Block Development Officer,
O/o. Block Development Office,
Nallur Village, Cuddalore District.
3. The Thashildar,
O/o. Thashildar Office,
Veppur Taluk, Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents not to lay the road in survey number 358, 205, 206, 197, 153, 192 and 356 which is classified as waterbodies pursuant to the representation dated 16.03.2023 made by the petitioner.



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For the Petitioner : Mr.R.Thirumoorthy
For the Respondents : Mrs.R.Anitha,
Special Government Pleader

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Thirumoorthy, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader, for the respondents.

2. The grievance of the petitioner is that the respondents be directed not to layout the road in S.Nos.358, 205, 206, 197, 153, 192 and 356 of Seppakkam Village. According to the petitioner, the lands in the said survey numbers are classified as waterbodies.

3. The learned Special Government Pleader has placed on record the status report. Para 4 of the status report reads thus:

“4. I state that pending the Writ Petition this Respondent had sent a letter in Na.Ka.No.A4/0611/2023 dated 01.08.2023 to the 1st respondent to sanction financial assistance to the 3rd



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respondent for forming culvert in the S.Nos.356, 358, 205, 206, 192, 197, 153 and the said representation is pending till date. I state that as and when the 1st respondent grants financial sanction for forming culvert in the above said land and after its made sure that no water course is disturbed, this Respondent will go ahead with laying of Single Layer WBM Road as per the MGNREGS scheme. I crave leave of the Hon'ble Court to file counter affidavit at later point of time.”

4. The respondent officers have given assurance that no water course would be disturbed and after the financial sanction, only culvert would be formed in the above said lands. In view of the same, the apprehension of the petitioner is redressed.

The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

To

1. The District Collector,
O/o. District Collector Office,
Cuddalore District.
2. The Block Development Officer,
O/o. Block Development Office,
Nallur Village, Cuddalore District.
3. The Thashildar,
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