



W.P.No.26893 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26893 of 2014

and

M.P.No.1 of 2014

A.Allapichai

...Petitioner

-Vs-

1. The Executive Engineer,
TWAD Board, Ariyalur Road,
Near New Bus Stand,
Thuraimangalam, Perambalur.

2. The Assistant Divisional Engineer,
TWAD Board, P.K.S. Complex,
Thuraimangalam, Perambalur.

3. The Commissioner,
Perambalur Municipality, Venkatesapuram,
Near New Bus Stand, Perambalur - 621212.

...Respondents

(R3 suo motu impleaded vide Order dated 13.03.2023, made in WP.26893/2014)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to remove the pipelines laid down in the petitioner's land situated in S.No.56/1A, 56/1B and 56/1C at Perambalur North Village to the extent of 5.98 acres.



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For Petitioner : Mr.C.Prakasam
For Respondents :
(for R1 & R2) : Mrs.S.Mekhala
(for R3) : Mr.Abishek Murthy, Govt.Advocate

ORDER

The relief sought in the present writ petition is to direct the respondents to remove the pipelines laid down in the petitioner's land situated in S.No.56/1A, 56/1B and 56/1C at Perambalur North Village to the extent of 5.98 acres.

2.During last hearing on 13.03.2023 this Court passed an order as under:

“ The learned counsel appearing on behalf of the respondents 1 and 2, on instructions from the 1st respondent / Mr.V.Loganathan, Executive Engineer, TWAD Board, made a submission that the TWAD Board has not laid any pipelines in the private property belongs to the petitioner.

2. However, a letter addressed by the Commissioner, Perambalur Municipality to the TWAD Board dated 10.03.2023 reveals that during the drought period in the year 2013-2014, the pipelines were laid for the benefit of



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the people in that locality.

3. The 1st respondent / Executive Engineer states that the pipelines are not in usage as of now and therefore, the same may be removed by getting permission from the Perambalur Municipality.

4. Therefore, the Commissioner, Perambalur Municipality became a necessary party. Accordingly, the Commissioner, Perambalur Municipality, Venkatesapuram, Near New Bus stand, Perambalur – 621 212 has been suo-motu impleaded as third respondent in the present writ petition.

5. Mr.Abishek Murthy, learned Government Advocate takes notice for the impleaded third respondent for the purpose of securing instructions and to grant permission to the petitioner to remove the pipelines at the cost of the petitioner.

6. Further appearance of Mr.Loganathan, Executive Engineer, TWAD Board, Ariyalur Road, No.343, North Madavi Road, Anna Nagar, Perambalur need not be required.

7. Post the matter "For Passing Orders" on 17.03.2023."

3.Pursuant to the orders passed by this Court, the petitioner submitted his application to the Perambalur Municipality to permit him to



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remove the unused pipelines at his cost. The learned Government Advocate, appearing on behalf of the 3rd respondent also made a submission that the pipelines are not in use and the Municipality has no objection for removal of the same at the cost of the petitioner.

4.That being the factum, the petitioner is permitted to remove the pipelines laid in his property which is not in use, at his cost and without claiming any damage or otherwise from the Municipality. The pipes so removed by the petitioner are directed to be handed-over to the Municipal Authorities who in turn shall dispose of the same in the manner known to law.

5.Accordingly, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2023

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Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No



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To

WEB COPY

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S.M.SUBRAMANIAM. J.,

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