



WEB COPY



W.P.No.20893 OF 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2023

CORAM

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

W.P.No.20893 of 2019

M.Murugesan

...Petitioner

Vs

1. The District Collector,
Villupuram District.
2. The Thasildar,
Chinnasalam, Villupuram – 606 201.
3. The Assistant Engineer (AE),
Tamil Nadu Electricity Board, Maathur,
Chinnasalam Taluk, Villupuram – 606 207.
4. The Executive Engineer (EE),
Tamilnadu Electricity Board,
Chinnasalem Taluk, Villupuram – 606 207.
5. The Block Development Officer,
Kallakurichi, Villupuram – 606 213.

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1st to 5th to consider the petitioner representation letter dated 31.05.2019 and further directing the respondents to remove the EB cement post on centre of the road in survey no.363/1, in Karadichithur Village, Kallakurichi Taluk Villupuram District.



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For Petitioner : Mr.S.Ramajayam

For Respondents : Ms.Daniel Mary
Standing counsel for EB [RR3 and 4]

Mr.Alagu Goutham
Government Advocate [RR1, 2 and 5]

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to direct the respondents to consider the petitioner's representation dated 31.05.2019 and consequentially to direct the respondents to remove the EB cement post on center of the road in survey No.363/1, in Karadichithur Village, Kallakurichi Taluk Villupuram District.

2. It is the case of the petitioner that he claims that the third respondent had put up an EB cement post in the center of the road which is obstructing the ingress and egress of the petitioner and others to use their agricultural lands. Due to which the petitioner filed a civil suit in O.S.No.19 of 2012 on the file of I Additional District Munsif Court, Kallakurichi, which was also decreed in favour of the petitioner forbearing the third parties from blocking the said road. Since the same



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was not complied with by the respondents, he has sent a representation dated 31.05.2019 before the respondents to remove the EB cement post located in S.No.363/1. Since no response was forthcoming, the present writ petitioner has been filed seeking the relief supra.

3. Learned counsel appearing for the petitioner submits that though the suit in O.S.No.19 of 2012 filed by the petitioner was decreed vide order dated 27.03.2015 in favour of the petitioner, however, the same was not complied with by the respondents. Hence, it would suffice if this Court, issues a direction to the respondents to consider the petitioner's representation dated 31.05.2019 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned standing counsel appearing for the respondents 3 and 4 submit that the cement road located in S.No.363/1 was only used by the village people as a common passage to ingress and egress their agricultural lands and the service connection was effected adjacent to the said road which is a poramboke land and it does not in any way affect the farmers and village people to reach their lands. Hence, he prayed to dismiss the writ petition.



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WEB COPY 5. Heard learned counsel appearing on either side and perused the materials placed on record.

6. Considering the facts and circumstances of the case and also the fact that the suit in O.S.No.19 of 2012 filed by the petitioner was decreed vide order dated 27.03.2015 in his favour, this Court without going into the merits of the case directs the respondents to consider the petitioner's representation dated 31.05.2019 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Speaking/Non-speaking order : Yes / No

(rap)



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M.DHANDAPANI, J.

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