



W.A.No.2858 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2858 of 2021

P.Mohanraj

.. Appellant

Vs

1.P.N.Kanakaraj

2.The District Collector,
Coimbatore.

3.The Tahsildar,
Pollachi.

4.The Block Development Officer (North)
Block Development Office,
Pollachi.

5.The President,
Kittasurampalayam Panchayath,
Pollachi Taluk,
Coimbatore District.

6.Sivakumar
7.Venkatesan

.. Respondents



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PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the order dated 18.8.2021 passed in W.P.No.17275 of 2021 by the learned Single Judge.

For the Appellant : Mr.S.Nagarajan

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondents 2 and 3

: Mr.P.Muthukumar
State Government Pleader
for respondents 4 and 5

: Mr.D.R.Arun Kumar
for 1st respondent

: No Appearance
for respondents 6 and 7

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Nagarajan, learned counsel for the appellant; Mr.D.R.Arun Kumar, learned counsel for the 1st respondent; Mr.K.Karthik Jagannath, learned Government Advocate for respondents 2 and 3; and, Mr.P.Muthukumar, learned State Government Pleader for respondents 4 and 5.



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2. The appellant is the seventh respondent in the writ petition filed by the first respondent herein seeking directions to the authorities to remove the blockages made by respondents 5 to 7 in the writ petition.

3. The learned Single Judge directed the third respondent in the writ petition to act upon the complaint of the first respondent/ original writ petitioner. The learned Single Judge further observed that the third respondent shall direct a physical inspection to be conducted and make an enquiry. If there is any obstruction caused in the public road, the same shall be removed and it shall be ensured that the public road is accessed without any hindrance by everyone in the locality.

4. Learned counsel for the appellant submits that the learned Single Judge has passed the impugned order without affording an opportunity of hearing to the present appellant, who was the seventh respondent in the writ petition.

5. Learned counsel for the first respondent submits that after the order was passed by the learned Single Judge, the physical inspection



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was conducted and enquiry was made and the third respondent in the writ petition has passed an order.

6. The learned Single Judge, in the impugned order, never directed to remove the obstruction if the same is legal and valid. It was only observed that physical inspection shall be conducted and enquiry shall be made. If obstruction is caused in the public road, then the same was directed to be removed. If subsequently some order is passed by the third respondent in the writ petition and the same, according to the appellant, is erroneous, then it is for the appellant to assail the same in accordance with law.

The writ appeal is disposed of accordingly. There will be no order as to costs.

(S.V.G., C.J.)

(D.B.C., J.)

15.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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