



W.P.(MD) Nos.1038 & 1039 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.1038 & 1039 of 2023
and W.M.P.(MD)Nos.974 to 977 of 2023

K.Nagoorkani

... Petitioner in
both W.Ps.

Vs.

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai District.
- 3.The Tasildhar,
Thiruppuvanam Taluk,
Sivagangai District.
- 4.The Assistant Director,
(Town Panchayat)



W.P.(MD) Nos.1038 & 1039 of 2023

WEB COPY
Sivagangai Zone,
Sivagangai District.

5.The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam Town,
Sivagangai District.

6.The Junior Engineer,
Thiruppuvanam Town TP (Group),
Sivagangai District.

... Respondents in
both W.Ps.

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned order in Na.Ka.DA8/4994/22 dated 05.01.2023 (Scheduled -1, Serial No.2 work alone) and Na.Ka.DA8/5067/22, dated 05.01.2023 on the file of the 1st respondent and quash the same as illegal and consequently directing the 1st and 3rd respondents, after removal of the encroachment at Thiruppuvanam Town Ward No.5, Theradi Veethi to Korakkanathar Kovil, and Korakkanathar Kovil to Madurai Mandapam Main Road, to utilize the Rajayasabha M.P.Mr.G.K.Vasan Fund of Rs. 20 Lakhs, on the basis of the order passed by this Honble Court in WP(MD) No. 26965 of 2022 dated 30.11.2022 and the 1st respondent proceedings in Na.Ka.E4-161-2022, dated 01.12.2022.



WEB COPY

W.P.(MD) Nos.1038 & 1039 of 2023

For Petitioner : Mr.R.Udhayakumar
(In both W.Ps)

For Respondents : Mr.M.Sarangan,
(In both W.Ps) Addl. Govt. Pleader for R1 to R4
Mr.P.Thilak Kumar,
Government Pleader for R5 & R6.
Mr.S.Rajasekar, for intervenor

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned sanction order passed by the 1st respondent for formation of road at Thiruppuvanam Town Ward No.5, Theradi Veethi to Korakkanathar Kovil, and Korakkanathar Kovil to Madurai Mandapam Main Road, the petitioner has filed these Writ Petitions.

2. It is the case of the petitioner that he has filed a writ petition before this Court in W.P.(MD)No.26965 of 2022, seeking for removal of encroachment and this Court, by order dated 30.11.2022, directed the respondents therein to remove the encroachment, after affording sufficient opportunity to all the parties



W.P.(MD) Nos.1038 & 1039 of 2023

concerned and by following due process of law. However, the respondents without removing the encroachment as directed by this Court, has granted permission to lay the road, based on the administrative sanction granted for laying road. Hence, the petitioner has filed these writ petitions.

3. The learned counsel for the petitioner submitted that the petitioner is not aggrieved with the sanction order granted by the respondents for laying the road and his only grievance is that before formation of road, the encroachment has to be removed.

4. The learned Government Pleader appearing for the respondents 5 and 6 submitted that encroachments have been made in the municipality land, which is nothing to do with the formation of road. He further submitted that as per the direction issued by this Court, necessary action will be taken for removal of encroachments.



W.P.(MD) Nos.1038 & 1039 of 2023

WEB COPY

5. Mr.S.Rajesekar, learned counsel submitted that he has filed an application for impleading and the same is not listed today. He further submitted that the length and breadth of the said road is 7 meters and on both sides of the road, there is existing drain and there is no prejudice would be caused, if permission is granted for formation of road. Hence, prays for dismissal of this Writ Petition.

6. Considering the submissions made by both sides, we are of the view that the petitioner is not aggrieved with the sanction order granted for formation of road and his only grievance is that before forming a road, encroachment has to be removed in the place in question. In view of the submissions made by the learned Government Pleader appearing for the respondents 5 and 6 that necessary action will be taken for removal of encroachment, as per the direction issued by this Court, these Writ Petitions are disposed of. If any disobedience of the order passed by this Court in W.P.(MD)No.26965 of 2022, dated 30.11.2022, it is for the petitioner to file an appropriate petition as against the respondents



W.P.(MD) Nos.1038 & 1039 of 2023

WEB COPY for violation of the said order passed by this Court. No costs. Consequently,
connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]
20.01.2023

NCC : Yes / No
Index : Yes / No
vsm



W.P.(MD) Nos.1038 & 1039 of 2023

WEB COPY

To

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai District.
- 3.The Tasildhar,
Thiruppuvanam Taluk,
Sivagangai District.
- 4.The Assistant Director,
(Town Panchayat)
Sivagangai Zone,
Sivagangai District.
- 5.The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam Town,
Sivagangai District.
- 6.The Junior Engineer,
Thiruppuvanam Town TP (Group),
Sivagangai District.



WEB COPY



W.P.(MD) Nos.1038 & 1039 of 2023

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

W.P.(MD)Nos.1038 & 1039 of 2023

20.01.2023