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W.P.(MD)NO.2696 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2696 of 2023 and
W.M.P.(MD)Nos.2451, 2454 & 2455 of 2023

R.Saravanan

... Petitioner

Vs.

1. The District Collector,
Tenkasi District.
2. The Divisional Engineer,
National Highways Construction & Maintenance,
Highway Department Office, Tenkasi.
3. The Assistant Engineer,
National Highways,
Tenkasi.
4. The Executive Officer,
Keezhapavoor Town Panchayat (Selection Grade),
Keezhapavoor, Tenkasi District.
5. Shanmugavelu,
Contractor,
Keezhapavoor Town Panchayat,
Keezhapavoor, Tenkasi District.

... Respondents

Prayer: Writ petition is 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 Resolution No.56 dated 27.04.2022 and the consequential



impugned Resolution No.146 dated 16.09.2022 passed by the 4th respondent and quash the same as illegal and consequently forbear the respondents from raising any structures on the southern side of petitioner's shop vide Door Nos.22A/1, 22A/2, 22A/3 of Keezhapavoor Town Panchayat, Keezhapavoor, Tenkasi District, by blocking its pathway to Pavoor Chatram, Surandai Road, Tenkasi District.

For Petitioner : Mr.K.P.Narayanakumar

For R-1 to R-3 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-4 : Mr.A.Baskaran,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned proceedings passed by the local body. The local body proposed to put up bus shelter. The case of the petitioner is that the access rights will be affected.



3. If that be so, the petitioner has to necessarily move the jurisdictional civil Court for relief. The learned counsel appearing for the petitioner states that the petitioner has already filed O.S.No.660 of 2022 on the file of the Sub Court, Tenkasi, in this regard. It is stated that the petitioner has also filed injunction application.

4. The learned trial Judge is directed to dispose of the said injunction application on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. I make it clear that I have not gone into the merits of the matter. It is for the learned trial Judge to pass order one way or the other after hearing the parties. Status quo as on date will continue only for a period of two weeks from today. The immediate rights of the parties will abide by the outcome of the injunction application and the final rights of the parties will abide by the outcome of the suit.



6. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : 1) Issue order copy on 09.02.2023.

**2) Registry to mark a copy of this order
to the learned Sub Judge, Tenkasi.**

To:

1. The District Collector,
Tenkasi District.
2. The Divisional Engineer,
National Highways Construction & Maintenance,
Highway Department Office, Tenkasi.
3. The Assistant Engineer,
National Highways,
Tenkasi.
4. The Executive Officer,
Keezhapavoor Town Panchayat (Selection Grade),
Keezhapavoor, Tenkasi District.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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09.02.2023