



W.P.(MD)No.4334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4334 of 2023

and

W.M.P.(MD)Nos.4082, 4083 and 4084 of 2023

M/s.Ultra Tech Cements Ltd.,
(Unit Reddipalayam Cement Works)
Represented by its Unit Finance and Commercial Head,
Shri. Purna Chandra Samantaray
Reddipalayam & Post,
Ariyalur District - 621 704. ... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai -5.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Sub Collector,
Thoothukudi.
- 4.The Superintending Engineer,
TANGEDCO,
Thoothukudi Electricity Distribution Circle,
Thoothukudi. ... Respondents



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PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for the records relating to the proceedings of the 2nd respondent made in Na.Ka.D4/ 8408/2017 dated 18.05.2017 and quash the same and consequently direct the 2nd Respondent to consider the proposal of the petitioners company for realignment of field road passing through S.Nos. 608, 609, 610, 611 and 613 of Melthataparai Village, Thoothukudi Taluk, Thoothukudi District

For Petitioner	: Mr.K.Govindarajan for R.Murali
For R1 and R2	: Mr.A.K.Manikkam Special Government Pleader
For R3	: Mr.S.Deenadhayalan Standing Counsel

ORDER

Heard the learned counsel on either side.

2.The writ petition is a well known cement manufacturing company. They purchased a substantial chunk of land in North Silukkanpatti village. They want to set up a manufacturing unit. But it turned out that 'Nilaviyal Paathai' runs across the patta land of the petitioner. The petitioners wrote to the second respondent for altering



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the pathway. The petitioners' request was rejected as earlier as on 18.05.2017. The petitioners did not challenge the same immediately.

Therefore, the question of setting it aside at this stage does not arise.

3.My attention has however been drawn to the subsequent communication dated 22.03.2018, issued by the District Collector, Thoothukudi, calling for feasibility report from the Sub Collector, Thoothukudi. The said communication has been enclosed at Page No.49 of the typed set of papers. It can be seen therefrom that the District Administration is having second thoughts on the issue.

4.The third respondent is directed to conduct field inspection and submit feasibility report to the second respondent. This shall be done within a period of four weeks from the date of receipt of a copy of this order. Based on the report to be submitted by the second respondent, the second respondent herein will take a decision on the petitioner's request for realigning the pathway. The petitioners undertake before this Court that they would lay a pucca road at their own expense so that the access rights of the general public are not affected. It is for the second respondent to take a decision on this. The second respondent will pass a



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speaking order based on the petitioners' request within a period of eight weeks after receiving the report from the third respondent. Since this Court has given a direction to the authorities for considering the re-alignment of ' Nilaviyal Pathai', the fourth respondent will not alter the status quo in the meanwhile.

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

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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WEB COPY To

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Thoothukudi Electricity Distribution Circle,
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WEB COPY



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G.R.SWAMINATHAN,J.

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