



W.P.(MD)No.8130 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8130 of 2023
and
W.M.P.(MD)Nos.7512, 7513 & 7517 of 2023

S.Thavasiammal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of Revenue,
Secretariat,
Chennai.
- 2.The Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai.
- 3.The District Collector,
O/o. The District Collector,
Thoothukudi District.
- 4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.



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5.The Tahsildar,
O/o. The Thasildar,
Vilathikulam,
Thoothukudi District.

6.The Block Development Officer,
O/o. The Block Development Officer,
Vilathikulam Panchayat,
Thoothukudi District.

7.Kshema Power and Infrastructure Company Pvt. Ltd.,
rep. By its Project Manager,
Mr.Vino Babu,
Thalavaipuram Road,
Eppothum Vendran,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.Ooni.4/9271/2022, dated 24.03.2023 on the file of the third respondent and quash the same as illegal and consequently, issue a direction, directing the respondents 1 to 6 forbearing the seventh respondent from constructing the bridge over the odai in Survey No.25, which reach to Kannimariamman Oorani situated at Vallinayagipuram Panchyat, Vilathikulam Taluk, Thoothukudi District within a time stipulated as fixed by this Court.

For Petitioner :Mr.T.Thirumurugan

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R6
: Mr.C.Jeganathan for R7



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ORDER

Heard the learned counsel on either side.

2. The petitioner is a president of the local body. She impeaches the permission granted by the District Collector, Thoothukudi in favour of the seventh respondent on the ground set out in the affidavit filed in support of the writ petition.

3. We carefully went through the contents of the impugned proceedings dated 24.03.2023. No doubt, permission has been granted by the District Collector in favour of the seventh respondent for laying road across the water body. It is seen that the seventh respondent wants to install a wind mill. In order to transport the machinery, the petition mentioned road across the water body has to be laid. In the impugned proceedings, it has been categorically stipulated that permission will hold good only for a period of sixty days and that the original position must be restored at the end of the period. We are satisfied that the water body will not be affected. No case for interference has been made out.



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4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
11.04.2023

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

- 1.The Secretary,
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- 2.The Principal Secretary,
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