



W.P(MD)No.12151 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12151 of 2022

and

W.M.P(MD)Nos.8646, 8648 of 2022

& 592 of 2023

E.Ramaiyah

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Sivagangai.

2.The Chief Engineer,
Public Works Department,
Sivagangai.

3.The Executive Engineer,
PWD Water Resources Department,
Sarugani Aaru Vadinil Kottam,
Sivagangai.

4.The Tahsildar,
Taluk Office,
Manamadurai.
Sivagangai District.

5.Susmitha Priya

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the Impugned order of the third respondent vide his proceedings in Ka.No. Vapa / EvaAa / Ko.75 (Palam) / M / 2021 dated 15.06.2021 and quash the same as illegal.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R.1 to R.4

Mr.H.Velavadhas for R.5

ORDER

Heard the learned counsel on either side.

2.The petitioner questions the permission granted by the third respondent in favour of the fifth respondent for putting up an overbridge on an irrigation channel.

3.The learned counsel appearing for the petitioner points out that it is not as if such a permission is being granted for the first time. On earlier occasions, similar orders were passed and they were successfully questioned before this Court. I do not want to enter into the factual aspects. The petitioner is a resident of the village in question and since he has some objection, it is just and



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proper the third respondent hears the stakeholders if any. I would take it that the petitioner represents the interest of all the villagers.

4.In this view of the matter, the order impugned in the writ petition is set aside. The matter is remanded to the file of the third respondent. The third respondent will hear the petitioner and the fifth respondent and pass final order afresh on merits and in accordance with law. Such an order will be passed within a period of six weeks from the date of receipt of a copy of this order. The writ petitioner as well as the fifth respondent or her representative will appear before the third respondent on 27.02.2023 at 03.00 p.m. The petitioner will not take any adjournment on the said date.

5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

15.02.2023

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

To

1.The District Collector,
Office of the Collectorate,
Sivagangai.



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G.R.SWAMINATHAN, J.

MGA

- 2.The Chief Engineer,
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- 3.The Executive Engineer,
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Sivagangai.
- 4.The Tahsildar,
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