



WP(MD)No.15673 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.15673 of 2020

and

W.M.P.(MD)No.13154 of 2020

A.Rasammal

...Petitioner

/Vs./

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Superintending Engineer,
Highways Department,
Construction and Maintenance,
Mannarpuram, Trichy.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Mannarpuram, Trichy.
- 4.The Assistant Director,
Village Panchayats,
Trichy.
- 5.Manikandam Panchayat Union,
Rep. by its Commissioner,
Block Development Officer,
Srirangam Taluk, Trichy District.



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6.Paganur Panchayat,
Rep. by its President,
Srirangam Taluk,
Trichy District.

..Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from constructing bridge or road in the petitioner's patta land bearing S.No.69/2 of Paganur Village, Srirangam Taluk, Trichy District.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.A.K.Manikkam (R1 to R4)
Special Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus forbearing the respondents from constructing bridge or road in the patta land belonging to the petitioner.

2. The third respondent has filed a counter affidavit and the relevant portion is extracted hereunder:-

“7. I respectfully submit that, based on the request of department official, on 07-11-2020 the Government Talk



Surveyor has surveyed the Highways Boundary as per Revenue records that place and marked the Highways boundary in the presence of Thiru ElangoDurai S/o Tmt. A.Rasammal, the petitioner and his brothers and Tm Jeyabharathi, Road Inspector, Highways, C&M, Trichy West also witnessed the same. The surveyor showed Mr.A.Elangodurai S/o Tmt.A.Rasammal that the culvert under construction is well within the Highways Boundary and No construction is made in the Patta Land. Agreeing the same the son of the petitioner Mr.A.Elangodurai acknowledged the same by a consent letter on 07.11.2020, to whom the petitioner is residing along with as per the statement of the petitioner in the Writ petition.

8. I respectfully submit that, the petitioner's question of some real estate people, who have plotted out the land just opposite to his land, wants to construct a drainage for their layout and on their instigation, the 3rd respondent and their contractors are trying to enter into his patta land and construct a bridge is denied, and the widening of the culvert has been done on both the sides.

9. I respectfully submit that, there is no construction is made in the Patta Land and the reconstruction of BOX culvert work is now completed well within the Highways Boundary. So the Writ Petition is now become infructuous. The Writ petition is filed to stay / disturb the construction of the culvert for unknown reason, when the petitioner has no valid reasons. So the Writ petition is liable to be dismissed on that score also.”



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3. In view of the aforesaid stand taken by the third respondent, the grievance expressed by the petitioner has been sufficiently redressed and no further orders are required to be passed in this writ petition.

4. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.10.2023

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

WEB COPY

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Mannarpuram, Trichy.
- 4.The Assistant Director,
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Trichy.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.15673 of 2020

Dated:
05.10.2023