



W.P(MD)No.15791 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.15791 of 2022

and WMP(MD)Nos.11382, 12151 and 14320 of 2022

P.Krishnasamy

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Thoothukudi District.
2. The Assistant Director of Panchayat,
Office of the Assistant Director of Panchayat,
Thoothukudi District.
3. The Block Development Officer,
Office of the Kovilpatti Union,
Kovilpatti, Thoothukudi District.
4. The President,
Sinthalakkarai Panchayat, Kovilpatti,
Thoothukudi District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to streamline the water drainage Management in Survey No. 68/3 of



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Sinthalakkarai Village and to lay the road, based on the representation of the petitioner, dated 28.04.2022.

For Petitioner	:Mr. S.Ramsundarvijayraj
For R1 to R3	:Mr.J.Ashok Additional Government Pleader
For R4	:Mr.N.S.Karthikeyan

ORDER

This writ petition has been filed in the nature of mandamus, seeking a direction against the respondents, particularly the third respondent/Block Development Officer, Kovilpatti, Thoothukudi District and the fourth respondent/President, Sinthalakkarai Panchayat, Kovilpatti, Thoothukudi District, to streamline the water drainage management in Survey No. 68/3 of Sinthalakkarai Village and to lay the road. The petitioner had given a representation on 28.04.2022.

2.The petitioner is the owner of the lands in S.No. 68/1, 68/2, 68/4. In between the said lands there is a S.No. 68/3, which is classified as a cart track. It is a mud cart-track. The petitioner and all the villagers are using the said cart track for the purpose of transportation.



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3.It is only appropriate that the said mud cart-track is converted as a tar-road. This is a proposal of the fourth respondent, for which, a tender had been issued. In the said tender, one of the condition for the contractor is to lay a water channel, adjacent to the road.

4.It is part of the tender and necessarily a condition under which, any contractor should lay the road. Naturally the representation of the petitioner would be addressed when the road is laid. Either side water will flow away and it would not flow back on the lands of the petitioner herein.

5.By stating all these facts, the third and fourth respondents had also filed an affidavit.

6.No further orders are required, since the apprehension of the petitioner has been addressed. However, the respondents 3 and 4 may specifically proceed further in laying of road and the water channel, in accordance with the conditions in the tender.



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7.The learned counsel for the petitioner seeks to issue a direction to the third respondent/Block Development Officer to supervise the tender. I am confident that the third respondent/Block Development Officer would certainly ensure that the road is laid for the benefit of the villagers.

8.With the above directions, this writ petition stands disposed. No costs. Consequently, the stay granted by this Court in WMP(MD)No. 11832 of 2022 is vacated and WMP(MD)Nos.12151 and 14320 of 2022 filed for vacating the stay are accordingly allowed.

13.04.2023

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

PNM



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To

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.15791 of 2022
and WMP(MD)Nos.11382, 12151
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13.04.2023