



WEB COPY

W.P.(MD) No.18984 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.18984 of 2023

Palanivelmurugan

... Petitioner

-VS-

1.The District Collector
Tenkasi District, Tenkasi

2.The Tahsildar
Sankarankovil Taluk
Tenkasi District

3.The Block Development Officer
Melaneelithanallur Union
Melaneelithanallur
Tenkasi District

4.The Panchayat President
Periyakovilankulam Panchayat
Periyakovilankulam
Tenkasi District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to take appropriate steps to lay public road in Survey Nos.19/1E, 1G, 1L, 1Q at K.Maruthappapuram at Periyakovilankulam Village, Sankarankovil Taluk, Tenkasi District in accordance with law by considering the petitioner's representation dated 26.04.2023 within a stipulated period.

For Petitioner : Mr.A.Sankararamasubramanian

For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. This writ petition is filed for issuance of a writ of mandamus directing the respondents to take appropriate steps to lay a public road in Survey Nos.19/1E, 1G, 1L, 1Q of K.Maruthappapuram at Periyakovilankulam Village, Sankarankovil Taluk, Tenkasi District, in accordance with law, by considering the petitioner's representation dated 26.04.2023, within a time stipulated by this Court.

4. Though the petitioner seeks a positive direction, learned counsel for the petitioner states that the petitioner will be satisfied if a direction is issued to the respondents 3 & 4 to consider the representation of the petitioner and the villagers, dated 26.04.2023.

5. Having regard to the limited scope of the prayer that is now sought for by the learned counsel for the petitioner, without expressing any opinion on the merits of the petitioner's representation dated 26.04.2023, the respondents 3 & 4 are directed to consider the petitioner's representation dated 26.04.2023 and take a decision as to the necessity of laying a road having regard to feasibility and financial position of the local body.



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6. It is indicated even in the report of the Tahsildar, Sankarankovil Taluk, dated 29.10.2022 that there are objections for using certain properties as a public road. Therefore, the respondents 3 & 4 may also consider the objections, if necessary, by giving an opportunity to the persons concerned. Since it is stated that a suit is also pending, the same shall also be considered by the respondents 3 & 4. In either way, the respondents 3 & 4 are directed to communicate their decision as to the feasibility of laying a road to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

08.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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