



W.P(MD)No.2804 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2804 of 2014

and

MP(MD)No.1 of 2014

N.Subburayalu

... Petitioner

Vs

1.The District Collector
Madurai District,
Madurai.

2.Madurai Corporation
Represented by its Commissioner,
Arignar Anna Maligai,
Madurai - 625 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the second respondent from putting up any construction or in any other way blocking the 25 feet connecting road between Maruthangulam and Madurai - Alagarkovil main road situated in R.S.No.26/1 and No.29 Maruthangulam - Thallakulam Village, Madurai North Taluk, Madurai District.



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For Petitioner : Mr.S.Poorna Chandran
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader
For R.1

Mr.R.Murali For R.2

ORDER

Heard the learned counsel on either side.

2. The petitioner is the owner of Plot No.1 comprised in R.S.Nos.26/1 and 29/2 in Maruthangulam Village. It is an approved plot. The grievance of the petitioner is that on account of the compound wall put up by the Madurai Corporation, his access rights have been seriously infringed.

3. This writ petition was filed before the compound wall was put up. The Commissioner of Madurai Corporation filed counter affidavit and the learned Standing Counsel took me through its contents. It can be seen there from that what has been done by the Corporation is to put up a compound wall around a notified grave yard comprised in Survey No.15/1. It is possible that the adjacent plot owners were using grave yard as a short cut to reach their lands. They have been inconvenienced by the putting up of the compound. The only question that calls for consideration is whether the action of the Madurai



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Corporation is putting up the compound wall can be said to be illegal. The learned Standing Counsel categorically asserts that the compound wall has been put up only around the grave yard / burial ground comprised in Survey No.15/1. If the petitioner can demonstrate that the compound wall encompasses any land apart from Survey No.15/1 then and then alone they will have cause of action and not till then.

4. This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.07.2023

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

To

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G.R.SWAMINATHAN, J.

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