



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.09.2023**

CORAM:

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

**W.P(MD)NO.22496 OF 2023
and
W.M.P(MD)No.18743 of 2023**

Ravichandran

:Petitioner

.VS.

- 1.The Director,
Office of the Directorate of National Highways
Department,
No.76, Sarthar Patel Road,
Guindy,
Chennai-25.
- 2.The District Collector,
Office of the District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
R.S.Mangalam Revenue Taluk,
Ramanathapuram District.
- 5.The Assistant Divisional Engineer,
Building Public Works Department,
Paramakudi Sub-Division,
Paramakudi,



Ramanathapuram District.

6.The Assistant Divisional Engineer(Highways),
Construction and Maintenance Sub-Division,
Thiruvadanai,
Ramanathapuram District.

7.The Divisional Engineer,
National Highway Department Office,
Railway Feeder Road,
Ramanathapuram-District.

8.The Inspector of Police,
Thiruppalakudi Police Station,
Ramanathapuram,
Ramanathapuram District.

9.Annadureai. : 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 1 to 3 herein to take action against the erring official, of the respondents 5 to 7 office have colluded with the 8th respondent herein for obtaining the order from this Court in W.P(MD)No.25934 of 2022 by suppressing the real facts of the case by considering the Petitioner's representation, dated 28.1.2023, within the time stipulated by this Court.

For Petitioner :Mr.D.Balamuruga Pandi

For Respondents :Mr.P.Thilak Kumar
1 to 7 Government Pleader

For Respondent-8 :Mr.M.Veeranthiran
Govt.Advocate(Crl.Side)



ORDER

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This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to take action against the erring official, the respondents 5 to 7 office have colluded with the 8th respondent herein for obtaining the order from this Court in W.P(MD)No.25934 of 2022 by suppressing the real facts of the case by considering the Petitioner's representation, dated 28.1.2023, within the time stipulated by this Court.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 7 and Mr.M.Veeranthiran, learned Government Advocate(Crl.Side)takes notice for the eighth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission state itself.

3.Earlier, a Writ Petition was filed by one G.Annadurai in W.P(MD)No.25934 of 2022 seeking issuance of a Writ of Mandamus directing the respondents therein to complete the Construction of Culvert(Petti Bridge) in the link Road between National Highways 210 and the East Coast Road(ECR) at Kothiyarkottai by complying



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the conditions imposed in the proceedings issued by the Executive Engineer, Water Resource Organization(WRO), Lower Vaigai Basin Division in Letter No.3265, Va.Bi/Ee.Va.Aa2/Ko.3(1)/2022, dated 20.8.2022 to the third respondent therein within the time fixed by this Court. In that Writ Petition, the third respondent therein namely, the Assistant Divisional Engineer(Highways), Construction and Maintenance, Thiruvadanai, Ramanathapuram District through the Government Pleader reported that 90% of the work had already been completed and the remaining work will be completed within three months. Recording the statement, this Court disposed of the above Writ Petition with a direction to the respondents to complete the construction of culvert in the link road between National Highways 210 and the East Coast Road(ECR) at Kothiyarkottai, within a period of three months from the date of receipt of a copy of the order. Since this Court has recorded that 90% of the work had already been completed, the grievance of the Petitioner is that the statement of the respondent in the earlier Writ Petition is not true and that the construction was not even commenced when the earlier Writ Petition was dispensed.

4.It is in the said circumstances, the prayer in the present



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Writ Petition is to take action against the erring official, stating that the respondents 5 to 7 office have colluded with the 8th respondent herein for obtaining the order from this Court in W.P(MD)No.25934 of 2022 by suppressing the real facts of the case. The Petitioner is not a party in the earlier Writ Petition.

5.It is always open to the Petitioner to file a Review Petition before the said Court, if the facts recorded are incorrect or against truth. The Petitioner cannot now seek for a further direction on the assumption that the earlier order was passed purely by misrepresentation or collusion. Therefore, leaving it open to the Petitioner to seek review of the order and to make a request in the Review Petition to take action against the erring officials for submitting a false report, this Writ Petition is dismissed. It is also open to the Writ Petitioner to file a fresh Writ Petition, if he is still aggrieved by whatever construction put up by the official respondents. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
14.09.2023



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

vsn

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vsn

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