



W.P. No. 4877 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4877 of 2024

and

W.M.P. Nos. 5336 and 5337 of 2024

1. P.Porkodi
2. N.Padmavathi

... Petitioners

-VS-

1. The District Collector
Tiruppur District
Tiruppur.
2. The Tahsildar
Kangeyam Taluk
Tiruppur.
3. The Surveyor
Kangeyam Taluk
Tiruppur.
4. The Block Development Officer
Yellaipalayampudur Panchayat
Kangeyam Taluk
Tiruppur.
5. The President
Yellaipalayampudur Panchayat
Kangeyam Taluk
Tiruppur.
6. The Village Administrative Officer
Nelili Village
Yellaipalayampudur Panchayat
Kangeyam Taluk



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Tiruppur.

... Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from constructing public toilets blocking the common pathway which is the only access to the Petitioner lands in Plot Nos. 28, 29, 30, 31 & 32 in R.S. Nos. 198, 199/1, 199/2 & 199/3 and old S. Nos. 707 & 708/2 situated in Nelili Village, Yellaipalayampudur Panchayat, Kangeyam Taluk, Tirupur.

For Petitioner : Mr. V.Ayyathurai, Senior Counsel
for Mr. K.S.Karthik Raja

For Respondents : Mr. P.Ganesan (RR1 to 3)
Additional Government Pleader

Mrs. E.Indhumathi (RR4 & 5)

ORDER

Heard Mr. V.Ayyathurai, Learned Senior Counsel appearing for the Petitioner, Mr. P.Ganesan, Learned Additional Government Pleader appearing for the First to Third Respondents, and Mrs. E.Indhumatha, Learned Additional Government Pleader appearing for the Fourth and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to restrain the Respondents from constructing public toilets blocking the common pathway which is said to be



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the only access to the lands of the Petitioner located at Plot Nos. 28, 29, 30, 31 & 32 in R.S. Nos. 198, 199/1, 199/2 & 199/3 and old S. Nos. 707 & 708/2 in Nelili Village, Yellaipalayampudur Panchayat, Kangeyam Taluk, Tiruppur District.

3. Learned Additional Government Pleader appearing for the First to Third Respondents has produced the copy of the Proceedings in Na. Ka. No. 3369/2021/Aa2 dated 29.02.2024 issued by the Block Development Officer (Village Panchayat), Kundadam, Tiruppur District stating that the proposal to construct toilets in that property has been dropped. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition. However, it is made clear that it would not preclude the Petitioner, if he still has any further grievance, from working out his remedies before proper forum in the manner recognized by law.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petitions are closed. No costs.

29.02.2024

Index: Yes/No

<https://www.mhc.tn.gov.in/judis>



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NCC: Yes/No

Note: Issue order copy by 23.04.2024.

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To

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Tiruppur.
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P.D. AUDIKESAVALU, J.

Maya

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