



W.P(MD)No.7970 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.7970 of 2023

and

W.M.P(MD).No.7346 of 2023

S.Vijayaragavan,

... Petitioner

Vs

1. The District Collector,
Madurai District.

2. The Tahsildar,
Madurai West Taluk,
Madurai District.

3. The President,,]
Karadipatti Panchayat Union,
Under Thirupparankundram Town Panchayat,
Madurai 625 019.

4. The Assistant Engineer,
TANGEDCO,
Nagamalai Pudukottai,
Madurai 625 019.

5. E.Veeranan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



W.P(MD)No.7970 of 2023

praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove obstruction made by the 5th respondent in the form of erecting the bore well on the passageway of 20 feet road in Sy.No. 18/B2 and Re-Sy.No. 18/2B8E in front of the petitioner's property situated at Karadipatti Village, Madurai West Taluk, Madurai District, and consider the petitioner's representation, dated 17.02.2023.

For Petitioner	: Mr.K.Muraleedharan
For R1 & R2	: Mr.K.S.Selvaganesan Additional Government Pleader
For R3	: Mr.M.Senthil Ayyanar Government Advocate
For R4	: Mr.S.Deenadhayalan
For R5	: Mr.B.Moorthikannan For Mr.T.K.Gopalan

ORDER

Heard both sides.

2.The petitioner as well as the fifth respondent are owning plots in an unapproved layout. The case of the petitioner is that the respective plot



W.P(MD)No.7970 of 2023

owners should leave 10 feet, so as to form 20 feet road. The petitioner alleges while he has done so, the fifth respondent is putting up bore well within the area that should have been left for road.

3.As rightly pointed out by Additional Government Pleader appearing for the official respondents, this issue may have to be appropriately adjudicated only before the jurisdictional civil Court. However, taking note of the over all facts and circumstances, the fifth respondent is restrained from putting up any bore well for a period of eight weeks from today (26.03.2024). It is for the petitioner to move the jurisdictional Civil Court in the mean while and obtain an interim stay. If any IA is filed by the petitioner, it should be numbered immediately and the same shall be disposed of as expeditiously as possible. The rights of the parties will abide by the decision to be rendered by the civil Court. The fact that I have restrained the fifth respondent from putting up any bore well for a period of eight weeks will not mean that I had endorsed the petitioner's claim or rendered any finding against the fifth respondent. I make it clear that the contention of both the parties are left open.



W.P(MD)No.7970 of 2023

4. With the above direction, this writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

26.03.2024

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

To

1. The District Collector,
Madurai District.

2. The Tahsildar,
Madurai West Taluk,
Madurai District.

3. The President,,]
Karadipatti Panchayat Union,
Under Thirupparankundram Town Panchayat,
Madurai 625 019.

4. The Assistant Engineer,
TANGEDCO,
Nagamalai Pudukottai,
Madurai 625 019.



WEB COPY



W.P(MD)No.7970 of 2023

G.R.SWAMINATHAN, J.

LR

W.P(MD).No.7970 of 2023

26.03.2024