



W.P(MD)No.9759 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

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Thangaraj

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Thasildar,
Aranthangi Post and Taluk,
Pudukkottai & District.

3.The Commissioner,
Aranthangi Municipality,
Aranthangi Post and Taluk,
Pudukkottai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus thereby forbearing the 3rd respondent from constructing any building in S.F.No.35/1 of



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Aranthangi Town in pursuance of the notification dated 22.02.2018 in
Na.Ka.No.A1/8659/2017.

For Petitioner : Mr.C.Venkatesh Kumar,

for M/s.Ajmal Associates

For Respondents : Mr.N.Satheesh Kumar - for R1 & R2

Additional Public Prosecutor

Mr.P.Mahendran – for R3

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Public Prosecutor for the respondents 2 and 3 and Mr.P.Mahendran, learned counsel for the third respondent.

2. The learned counsel submits that the third respondent restrained from constructing any building in Survey No.35/1 of Aranthangi Town in pursuance to the notification, dated 22.02.2018.

3. According to the learned counsel for the petitioner, public Well exists in Survey No.35/1. The public would be put to inconvenience, if the public Well is closed.



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4. According to the learned counsel for the respondent No.3, the neighbour of the petitioner had filed a civil suit, wherein, the Advocate Commissioner was appointed and based on the report of the Advocate Commissioner, the civil suit filed by the neighbour of the petitioner was dismissed.

5. As per the revenue records, Survey No.35/1 is a Government Poramboke street. No construction can be carried on in an area earmarked for street. Apart from the area of the street, the respondent No.3 may carry out the construction as may be permissible under the law. However, the construction may not be carried out on a public street.

6. With these observations, the Writ Petition stands disposed of. No costs.

[S.V.G., C.J.]

[G.I., J.]

26.02.2024

Index : Yes / No
Neutral Citation : Yes / No
RM



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