



W.A(MD) No.1309 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD) No.1309 of 2022

S.Sekar

... Appellant / 4<sup>th</sup> Respondent

Vs

1.Pandiaraj

... 1<sup>st</sup> Respondent / Writ Petitioner

2.The District Collector,  
Virudhunagar District,  
Virudhunagar.

3.The President,  
Appainayakkanpatti Panchayat,  
Virudhunagar District.

4.The Block Development Officer,  
Virudhunagar Taluk,  
Virudhunagar District.

... Respondents 2 to 4  
/ Respondents 1 to 3

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 12.10.2022 in W.P.(MD)No.22764 of 2022 passed by this Court.

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**W.A(MD) No.1309 of 2022**

For Appellants : Mr.Ajmal Khan  
Senior Counsel  
For Mr.M.Prabhu

For Respondents : Mr.K.Prabhu  
for R1  
: Mr.K.Balasubramani  
Special Government Pleader  
for R2 & R4  
: no appearance for R3

**ORDER**

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned senior counsel for the appellant and the learned counsel for R1 and the learned Special Government Pleader for R2 & R4.

2. The first respondent herein filed W.P.(MD)No.22764 of 2022 for forbearing the appellant herein from laying any thar road in the petition mentioned survey numbers. It appears that the appellant in his private capacity had laid road without getting permission from the authority. In this background, the writ petition was disposed of directing the appellant to restore the pathway as it stood earlier. Questioning the said order dated 12.10.2022, this writ appeal has been filed.



**W.A(MD) No.1309 of 2022**

WEB COPY

3. The learned Special Government Pleader draws our attention to Paragraph No.5 of the order passed by the learned single Judge. It reads as follows:-

“5. The learned counsel appearing for the fourth respondent undertakes before this Court that the fourth respondent will restore the said pathway as it stood earlier.”

4. When an undertaking had been given before the learned single Judge, it is not open to the fourth respondent to do a U-turn thereafter and file an appeal. This appeal is incompetent. We however grant liberty to the appellant to apply for recall of the writ order on the ground that the appellant had not authorised his counsel to give any such undertaking. The Writ Appeal is dismissed. No costs.

**(G.R.S., J.)      (M.J.R., J.)**  
**13.03.2025**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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W.A(MD) No.1309 of 2022

**G.R.SWAMINATHAN, J.**

**AND**

**M.JOTHIRAMAN, J.**

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To

- 1.The District Collector,  
Virudhunagar District,  
Virudhunagar.
- 2.The Block Development Officer,  
Virudhunagar Taluk,  
Virudhunagar District.

W.A(MD) No.1309 of 2022

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