



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 6986 of 2026
and W.M.P.No.7605 of 2026**

1. Dr.P.Sivasabapathy,
97/72,Modern Theatres Sundar Gardens,
Yercaud Main Road, Salem-636008.
2. Dr.K.Selvi,
97/72,Modern Theatres Sundar Gardens,
Yercaud Main Road, Salem-636008.

..Petitioner(s)

Vs.

1. The District Collector,
Collectorate,
Salem-636 001.
2. The Executive Officer,
Kannankurichi Town Panchayat,
Salem-636 008.
3. The Assistant Engineer,
Kannankurichi Town Panchayat,
Salem-636 008.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents to carry out any re-laying of the Panchayat roads in the Sundar Gardens layout, Kannankurichi town Panchayat only after scraping off, milling the existing roads and ensuring that the height of the new roads do not increase by any measure, in accordance with the direction issued by order of this Honble Court dated 15.12.2023 in W.P.No.4248 of 2020.



For Petitioner(s):

Mr.S.Sivasankar

For Respondent(s):

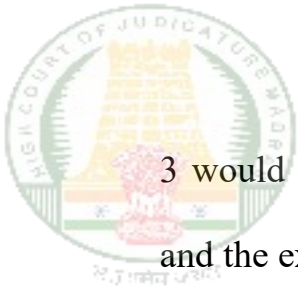
Mr.S.Senthil Murugan Spl.Gp. for R1

Ms.R.L.Karthika, Govt. Advocate
for R2 and R3**ORDER**

This Writ Petition is filed for a Writ of Mandamus, directing the 2nd and 3rd respondents to carry out re-laying of the Panchayat roads in the Sundar Gardens layout, Kannankurichi Town Panchayat only after scraping off, milling the existing roads and ensure that the height of the new roads do not increase by any measure.

2. Upon hearing the learned counsel for the petitioner and perusing the records of the case, it is the grievance of the petitioner that when the work is now being undertaken to relay the road in the Sundar Gardens layout, Kannankurichi Town Panchayat, without scraping off the existing road and milling, the work was started as if they are going to lay the road on top of the existing road, which will result in increase in road height and ultimately, the residents on either side will be affected. Therefore, the petitioner is before this Court.

3. Initially notice was ordered and when the matter came up for hearing, the learned Government Advocate appearing on behalf of the respondents 2 and



3 would submit that the work order involves scraping and milling of the road and the existing road was scraped and thereafter only new road has been laid.

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4. In view thereof, since the road has been laid and the learned Government Advocate has submitted that the existing road was scraped before the new road was laid, this Writ Petition is disposed of with the observation that, in any future re-laying of the road, care shall be taken to ensure that the road level does not increase. The entire existing road shall be thoroughly scraped prior to re-laying, and the original level of the road shall be maintained as such. No costs. Consequently, the connected miscellaneous petition is closed.

24-02-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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To

1. The District Collector,
Collectorate,
Salem-636 001.
2. The Executive Officer,
Kannankurichi Town Panchayat,
Salem-636 008.
3. The Assistant Engineer,
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