



WA(MD) No.1478 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WA(MD) No.1478 of 2024

THOKKAPPAN

... APPELLANT/3RD PARTY

Vs

1 EARIVAYAL VILLAGE PANCHAYAT
REP. BY ITS PRESIDENT,
M.KANNAGI, W/O.MALAICHAMY,
KALAYAR KOVIL TALUK,
SIVAGANGAI DISTRICT.

...1ST RESPONDENT/WRIT PETITIONER

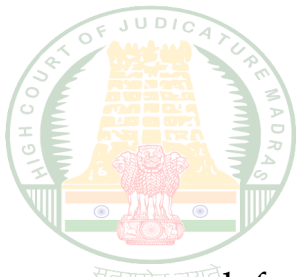
2 THE ASSISTANT ENGINEER
WATER RESOURCE DEPARTMENT,
SERUGANIYARU BASIN DIVISION,
KALAYAR KOVIL,
SIVAGANGAI DISTRICT.

...2ND RESPONDENT/RESPONDENT

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 30.07.2024 made in WP(MD)No.17603 of 2024 on the file of this Hon'ble Court and allow the above Writ Appeal.

Prayer in WP(MD). 17603/ 2024 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in No. KO/2024 AE/KAL.KOV Dated 06.05.2024 passed by the respondent and quash the same and



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pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.MAHENDRAN, Advocate for the petitioner and of MR.P.T.THIRAVIYAM, Government Advocate, on behalf of the Respondents the court made the following order:-

(Order of the Court was made by R.SUBRAMANIAN,J.)

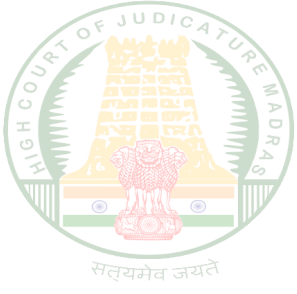
Though the Writ Court has observed that the road is being laid in a land which is already classified as a cart track, it is the contention of the learned counsel for the appellant that in the guise of laying road in the cart track, the panchayat President is attempting to encroach upon the bund of the tank situated in the village which will indirectly affect the storage capacity of the tank. Hence, there will be a stay of the operation of the order of the learned Single Judge until further orders.

sd/-
23/08/2024

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23/08/2024
Sub-Assistant Registrar (CS-III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sml/mrn



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EARIVAYAL VILLAGE PANCHAYAT
M.KANNAGI, W/O.MALAICHAMY,
KALAYAR KOVIL TALUK,
SIVAGANGAI DISTRICT.

2 THE ASSISTANT ENGINEER
WATER RESOURCE DEPARTMENT,
SERUGANIYARU BASIN DIVISION,
KALAYAR KOVIL,
SIVAGANGAI DISTRICT.

ORDER
IN
WA(MD) No.1478 of 2024
Date :23/08/2024

RK (23/08/2024) 3P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023