



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.1037 of 2015

S.Jegadambal

... Appellant

Vs.

1.The Chief Engineer,
Public Works Department, WRO,
Trichy Division,
Trichy 20.

2.The Superintending Engineer,
Public Works Department WRO,
Nadu Cauvery Basin Division,
Trichy-20.

3.The Executive Engineer,
Public Works Department, WRO,
Nadu Cauvery Basin Division,
Trichy-20.

4.Tamil Constructions (P) Ltd.,
Rep by its Managing Director
P.Prabakar,
T-4, Rana Block,
Dhathachariyar Garden,
Mambala Saalai,
Trichy - 620 005.

... Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 14.08.2015 made in W.P.(MD)No.492 of 2015.

Prayer in WP(MD)No.492/2015:- Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari to call for the records pertaining to the Impugned letter in 560-SePo.Va8/Ko.1733/Anumathi/2014 dated 29.5.2014 passed by the 2nd respondent and quash the same.

For Appellant : Mr.R.Subramanian

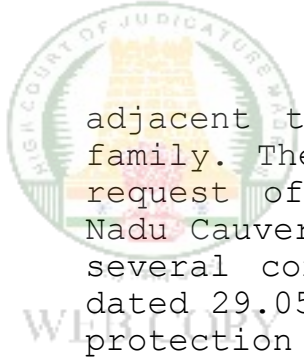
For Respondent : Mr.M.Govindan,

Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J)

The order of the learned single Judge is under challenge stating that there is a difficulty in accessing the property consequent to the construction of a over bridge in the property



adjacent to T.S.Nos.291 to 293 which belongs to the appellant's family. The fourth respondent wanted to put up construction at the request of the Executive Engineer, Public Works Department, WRO, Nadu Cauvery Basin Division, Trichy. Permission was granted imposing several conditions by the competent authority, in its proceedings dated 29.05.2014. Clause 19 of the conditions states that sufficient protection should be given to the bund and to avoid erosion of the construction, bed level concrete or stone bed pitching should be laid.

2.The grievance of the appellant is that a parapet wall has been put up which is causing inconvenient to the appellant/writ petitioner. The Department executed the work in terms of the work order which is subject to the conditions imposed therein. As to whether the parapet wall is a part of the construction approved by the competent authority and whether that is causing inconvenient to one or other adjacent land owners at best can be addressed by the Superintending Engineer or Executive Engineer, Public Works Department, Nadu Cauvery Basin Division, Trichy.

3.We find no reason to interfere with the order passed by the learned single Judge except giving liberty to the appellant/writ petitioner to make a representation to the authority to ventilate his grievance as to how, parapet wall is creating hardship.

4.Accordingly, the writ appeal is disposed of. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Chief Engineer, Public Works Department, WRO, Trichy Division, Trichy 20.
- 2.The Superintending Engineer, Public Works Department WRO, Nadu Cauvery Basin Division, Trichy-20.
- 3.The Executive Engineer, Public Works Department, WRO, Nadu Cauvery Basin Division, Trichy-20.

+One cc o M/s.R.Subramanian, Advocate, SR.No.59077

+One cc to M/s.S.S.Sundar, Advocate, SR.No.59082

+One cc to The Special Government Pleader, SR.No.58999

sms

RL/7c - 29/10/2015

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