

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.NOS.12531,10604,14729 OF 2017 AND

W.P.NO.9125 OF 2016

AND

W.M.P.NOS.13320,11540,15965 OF 2017

AND W.M.P.NO.8124 OF 2016

N.Anand ... Petitioner in
W.P.No.12531 of 2017

K.Sakthivel ... Petitioner in
W.P.No.10604 of 2017

S.Karuppiah ... Petitioner in
W.P.No.14729 of 2017

M/s.C.P.S.Textiles Pvt. Ltd., ... Petitioner in
Rep. by its Managing Director,
Mr.K.S.Venkatesh
Lakshmi Gardens, Kangeyam Road,
Tiruppur,
Vs.
W.P.No.9125 of 2016

The Municipal Commissioner,
Tirupur Corporation Office,
Tiruppur. ... Respondent in
W.P.No.12531 of 2017

The Corporation Commissioner ... Respondent in
Tiruppur City Municipal Corporation
Avinashi - Tiruppur Road
Noyyal, Tiruppur - 641 604.
W.P.No.10604 of 2017

The Commissioner, ... Respondent in
Corporation of Tiruppur,
Tiruppur - 641 604.
W.P.No.14729 of 2017

1. The District Collector,
Collector's Office
Palladam Road, Tiruppur.

2. The Commissioner,
Tiruppur City Municipal Corporation
Tiruppur.
 3. The Assistant Commissioner,
Nallur Division,
Tiruppur City Municipal Corporation
Nallur.
 4. The Executive Engineer
Tiruppur City Municipal Corporation,
Tiruppur.
 5. M/s.St. Joseph Matric Higher
Secondary School rep. by its
Principal Lilly Flora Grace ... Respondents in
W.P.No.9125 of 2016
- (R5 impleaded vide order dated
21.06.2017 in W.M.P.No.23167
of 2016 in W.P.No.9125 of 2016)

Prayer in W.P.No.12531 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing respondent from shifting the over bridge from Joseph Girls Higher Secondary School, at No.172, National High Way, Tirupur to Kankeyam Road, at Tirupur in front of the petitioner's building at 4(3) 3 Street, Kathir Layout, Kankeyam Road, Tirupur - 641 604 based on the petitioner representation dated 20.04.2017.

Prayer in W.P.No.10604 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondent not to construct a foot-over bridge on the Tiruppur-Kangayam Main Road close to the Rakkiapalayam Pirivu (Junction) and in front of the Petitioner's shop "Sri Sakthi And Co."

Prayer in W.P.No.14729 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondent herein from constructing foot over bridge on the Tiruppur Kangayam Main Road, close to the Rakkiayapalayam Pirivu (Junction and in front of the petitioner's shop "M/s.Meena Pharmacy".

Prayer in W.P.No.9125 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from proceeding with the construction of an over bridge (Sky walk) in Tirupur - Kangayem Road, Tirupur thereby obstructing the right of access of the

writ petitioner from the public road to the factory and office premises situate in S.F.No.668 of Nallur Village, Kangayem Road, Tirupur.

For Petitioners : Mr.R.Nalliyappan
in W.P.No.12531 of 2017

M/s.P.T.Asha
for M/s.Sarvabhauman Asso.
in W.P.No.10604 of 2017

Mr.K.Govi Ganesan
in W.P.No.14729 of 2017

Mr.C.R.Prasanan
in W.P.No.9125 of 2016

For Respondents : Mr.S.Silambanan,
Senior counsel for M/s.P.Shanthi
in W.P.Nos.12531,10604 and 14729
of 2017

Mr.J.Balagopal for R1
Mr.S.Silambanan, Senior Counsel for
M/s.P.Shanthi for R2 to R4
Mr.K.S.Karthik Raja
for Impleaded Respondent (R5)
in W.P.No.9125 of 2016

COMMON ORDER

Taking into consideration the commonality of the issue involved in all these writ petitions, they have been taken up together and disposed of by way of a common order.

2. There are two categories of individuals, who have come before this Court with their respective grievances. It appears that a decision was made to construct a bridge. The original proposed place was objected to by the petitioners in W.P.Nos.12531 of 2017 and 10604 of 2017 and 14729 of 2017. On their objection, a decision was made to shift the bridge, which was objected to by the petitioner in W.P.No.9125 of 2016. This petitioner filed a writ petition and obtained an interim order. Thereafter, a decision was made once again to have the bridge in the original place. This has given a cause of action for the petitioner in W.P.Nos.12531, 10604 and 14729 of 2017.

3. The common grievance of all the petitioners is with

respect to the access. Unfortunately, this Court cannot go into the said issue being a disputed question of fact. While it is the case of the petitioners that the proposed bridge would block access, learned senior counsel appearing for the Municipal Commissioner, Tirupur, denies it. Therefore, the said issue cannot be gone into while exercising the discretionary jurisdiction under Article 226 of the Constitution of India.

4. Considering the above, suffice it to direct the respondent/ Municipal Commissioner, Tirupur to call all the parties, make a spot inspection in their presence along with the officials and take a decision. The needful will have to be done within a period of four weeks from the date of receipt of a copy of this order. Till then, status quo as on today shall be maintained. It is made clear that the impleaded respondent is also entitled to be heard.

5. With the above observation and direction, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

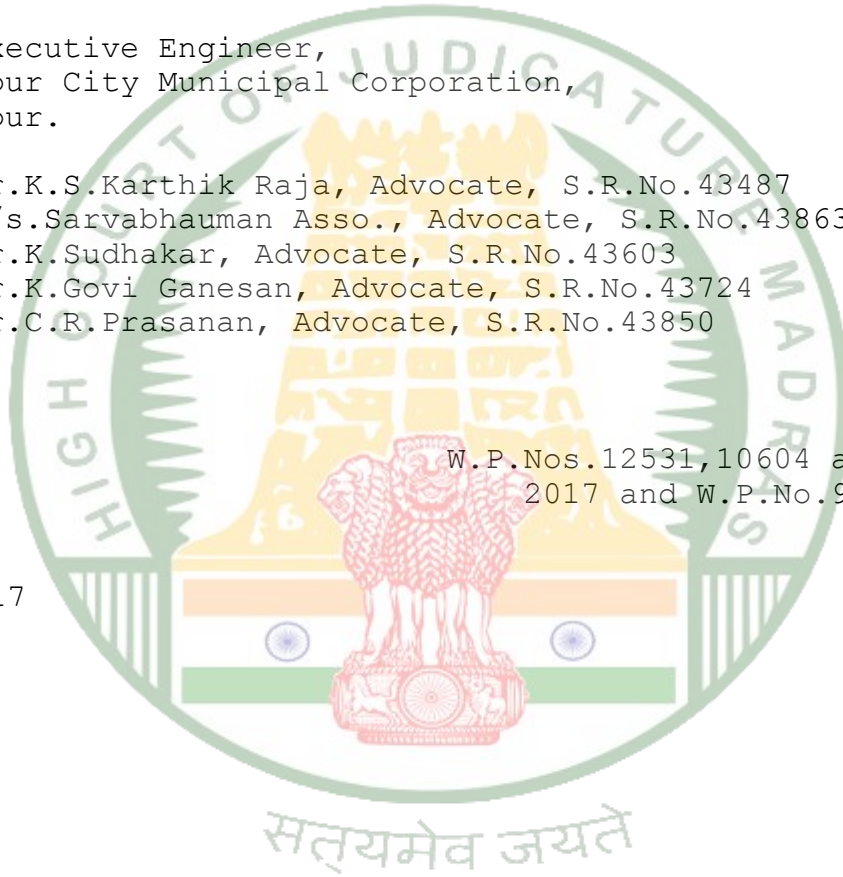
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2. The Corporation Commissioner
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6. The Assistant Commissioner,
Nallur Division,
Tiruppur City Municipal Corporation,
Nallur.
7. The Executive Engineer,
Tiruppur City Municipal Corporation,
Tiruppur.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.43487
+1cc to M/s.Sarvabhauman Asso., Advocate, S.R.No.43863
+1cc to Mr.K.Sudhakar, Advocate, S.R.No.43603
+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.43724
+1cc to Mr.C.R.Prasanan, Advocate, S.R.No.43850

W.P.Nos.12531,10604 and 14729 of
2017 and W.P.No.9125 of 2016

BR(CO)
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