

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.15030 of 2017
and
W.M.P.No.16269 of 2017

R.Arunkumar

...Petitioner

Vs

1.The Assistant Engineer,
 Highways Department (Construction and
 Maintenance),
 Chennai.

2.The Special Tahsildar (LA) Highways,
 (Mambalam-Guindy Taluk),
 Collector Office,
 Singaravelar Maligai,
 Rajaji Salai,
 Chennai 600 001.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to forbear the respondents from in any manner interfering with the petitioner's use and enjoyment of the property situate at No.40 and 41, Velacherry Tambaram Main Road, Vijayanagar, Velacherry Chennai 600 042 by demolishing the culvert/bridge or removing the sewage line.

For Petitioner	:	M/s.Vasudha Thiagarajan for Mr.R.Thiagarajan
For Respondents	:	Mr.R.Govindasamy Special Government Pleader

ORDER

The petitioner seeks for a mandamus forbearing the respondents from in any manner interfering with the petitioner's use and enjoyment of the property situate at No.40 and 41, Velacherry Tambaram Main Road, Vijayanagar, Velacherry Chennai 600 042, by demolishing the culvert/bridge or removing the sewage line.

2.The respondents filed counter affidavit.

3.It is seen that while constructing an over bridge at Velacherry-Vijayanagaram junction connecting intersection of Taramani Road, Tambaram-Velachery Road and Velachery Bypass Road, a service road is also being laid by the respondents and the petitioner is aggrieved only in respect of removing a culvert for the purpose of laying the service road, which according to the petitioner, causes interference to the petitioner's property.

4.In the counter affidavit filed by the respondents, it is made clear that the respondents would construct a grade separator and lay the service road without hindrance to the private property to the petitioner. Learned Special Government Pleader for the respondents, apart from the above undertaking given in the counter affidavit, further stated that even in respect of the sewage line, already put up by the petitioner, the

respondents will take all measures to save the line and in case any damage caused to the said line, it will be repaired at the cost of the respondents themselves thereby not leaving the petitioner to meet any loss or damages to his property.

5.As the above undertaking given by the respondents would take care of the interest of the petitioner, this Court is of the view that the writ petition can be closed by recording the above said undertaking given by the respondents. Thus, the writ petition is disposed of, by recording the above undertaking given by the respondents. The respondents will also consider the request of the petitioner to complete the work at the earliest, at any event, within a period of three weeks. No costs. The connected miscellaneous petition is closed.

सत्यमेव जयते

11.12.2017

Speaking/Non Speaking

Index : Yes / No

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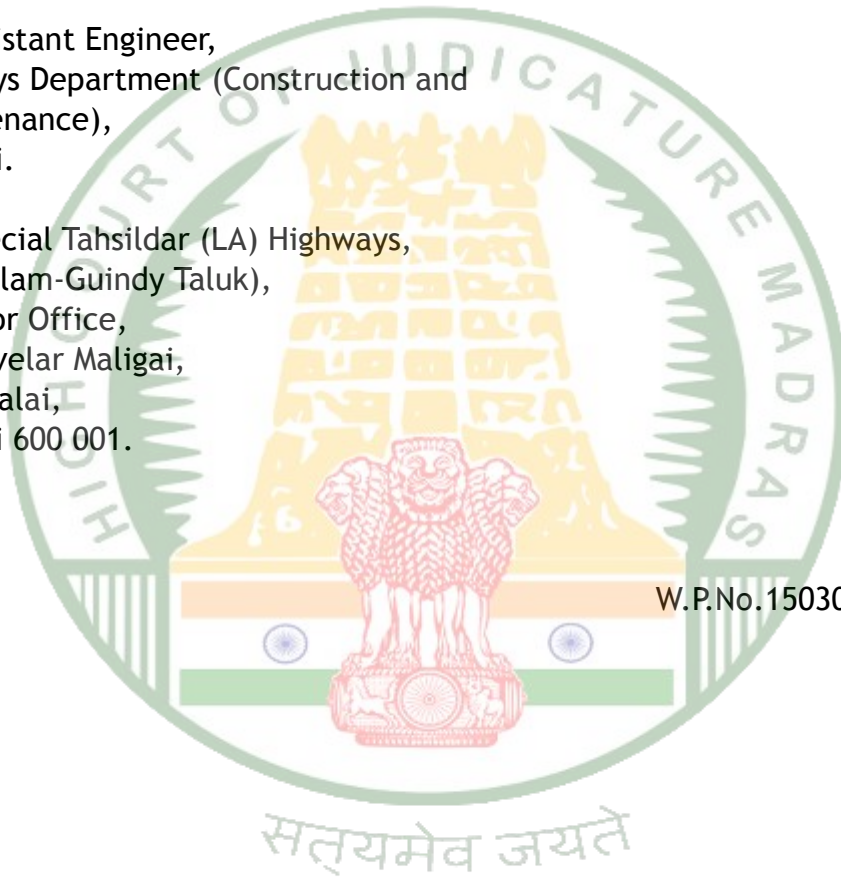
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K.RAVICHADNRABAABU,J.

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To

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