

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 31.07.2017****CORAM :****THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN****W.P (MD) No.14078 of 2011
and
M.P. (MD) No.1 of 2011**

T.Sankaralingam

... Petitioners

Vs.

- 1.The Commissioner,
Thiruchirappalli City Municipal Corporation,
Thiruchirappalli.
- 2.The Assistant Commissioner,
Srirangam Zone,
Thiruchirappalli City Municipal Corporation,
Thiruchirappalli.
- 3.The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Naducauvery Basin Division,
Thiruchirappalli - 20.
- 4.The Executive Engineer,
Public works Department,
Water Resources Organisation,
River Conservation Division,
Thiruchirappalli - 1.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents re re-lay the slab covers and reconstruct the lining whall, which was demolished by the respondents and consequently forbear the respondents from demolishing the bridges constructed across the Thimmarayar Samuthiram Branch Channel Abetting the Shankar Apartment and from in any way demolishing the building comprised in Shankar Apartment, which is situated at T.S.No.2380/1, Block No.47, New Ward "C", Kumbakonam Road, Thiruvanaikkovil, Srirangam, Thiruchitappalli.



For Petitioner : Ms.Maria Rosaline

For Respondents : Mr.J.Parekh Kumar, for RR1 and 2

Mr.T.S.Md.Mohideen, A.G.P. For RR3 and 4

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O R D E R

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

The writ petition has been filed for directing the respondent to re-lay the slab covers and re-construct the lining wall demolished by the respondents.

2.The writ petitioner is a builder and he has built an apartment by name Shankar Apartment in R.S.No.2380/1, Block No.47, New Ward "C", Kumbakonam Road, Thiruvanaikkovil, Srirangam, Tiruchirappali. The Public Works Department channel separates the said building and the main road. Therefore permission was sought for putting up slab covers over and above the said channel. Permission was granted subject to certain conditions. The specific case of the respondents is that the said conditions were violated. The writ petitioner had blocked the free flow of the water in the channel. That is why, they were constrained to resort to demolishing. During the pendency of the writ petition, interim order was granted permitting the writ petitioner to re-lay the slab covers and re-construct the lining wall.

3.It is submitted by the learned counsel for the writ petitioner that such re-laying was done. Therefore, no further adjudication is necessary in this writ petition. However, it is made clear that the writ petitioner shall strictly adhere to the conditions stipulated by the fourth respondent. The respondents 3 and 4 are at liberty to impose appropriate conditions to ensure that the channel over which the sub constructions have come up is not blocked in any manner. If the writ petitioner violates the conditions imposed by the respondents 3 and 4, it would certainly be opened to the respondents 3 and 4 to initiate appropriate action against the writ petitioner.

4.The writ petition is closed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar



To

1. The Commissioner,
Thiruchirappalli City Municipal Corporation,
Thiruchirappalli.

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2. The Assistant Commissioner,
Srirangam Zone,
Thiruchirappalli City Municipal Corporation,
Thiruchirappalli.

3. The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Naducauvery Basin Division,
Thiruchirappalli - 20.

4. The Executive Engineer,
Public works Department,
Water Resources Organisation,
River Conservation Division,
Thiruchirappalli - 1.

+1 cc to Mr.P.Srinivas , Advocate in SR.No. 69637

+1 cc to The Special Government Pleader in SR.No.69782

Skm/Arul

AE/SKN RSK/SAR3/23.08.2017/3P/7C

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and
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