

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32950 of 2019
and
W.M.P. No. 33384 of 2019

B. Subramanian ... Petitioner

-vs-

1. Director General,
Highways and Minor Ports Department,
Tamil Nadu Government,
76, Sardar Patel Road, Guindy, Chennai 25.
 2. The Director Collector,
Kancheepuram District,
Kancheepuram.
 3. The Executive Engineer,
Highways Department,
Kancheepuram Collectorate, Kancheepuram.
 4. The Assistant Divisional Engineer,
Highways Department, Kancheepuram High Road,
Chengalpattu.
 5. The Assistant Engineer,
Highways Department,
Mamallapuram Road,
Thirukkazhukundram.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to remove the culvert being put up in S.No. 4B and direct the Respondents utilize the existing drainage channel running in S.No. 3A and 3B.

For Petitioner : Mr. S. Natana Rajan

For Respondents: Mr. R. Venkatesh
Government Advocate

O R D E R

Heard Mr. S. Natana Rajan, Learned Counsel appearing for the Petitioner and Mr. R. Venkatesh, Learned Government Advocate appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the Respondents to remove the culvert being put up in S.No. 4B and to direct the Respondents to utilize the existing drainage channel running in S.Nos. 3A and 3B.

3. This Court during the earlier hearing on 26.11.2019 has passed the following order:

"2. The Third Respondent shall inspect the property in the presence of the Petitioner and shall consider what measures could be taken to avoid any damage to the property of the Petitioner due to the constructions of culvert as apprehended by him and shall appear in person before this Court along with report for the same."

In pursuance thereof, Mr. M. Sathiyaseelan, Divisional Engineer (Highways), Construction and Maintenance, Chengalpattu, Kancheepuram District is present before this Court today and has filed a Counter Affidavit stating that the bridge under construction is located at a such distance from the land of the Petitioner that it would not cause any damage to the property of the Petitioner, which is recorded. It is made clear that in the event of any damages caused to the property of the Petitioner arising from the construction of the culvert- bridge, it would be open to Petitioner to pursue for necessary reliefs before the proper forum in the manner recognized by law.

4. The Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Director General,
Highways and Minor Ports Department,
Tamil Nadu Government,
76, Sardar Patel Road, Guindy, Chennai 25.
2. The Director Collector,
Kancheepuram District,
Kancheepuram.
3. The Executive Engineer,
Highways Department,
Kancheepuram Collectorate, Kancheepuram.
4. The Assistant Divisional Engineer,
Highways Department, Kancheepuram High Road,
Chengalpattu.
5. The Assistant Engineer,
Highways Department,
Mamallapuram Road,
Thirukkazhukundram.

+1cc to Mr.S.Natanarajan, Advocate Sr.99491
+1cc to the Government Pleader Sr.99949

W.P. No. 32950 of 2019

sv[co]
srg 11/02/2020

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