

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

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

W.P. No. 1016 of 2020
and
W.M.P. No. 1222 of 2020

S. Karuppiah

... Petitioner

-vs-

The Commissioner,
Corporation of Tiruppur,
Tiruppur - 641 604.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents 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 & Hospital, M/s. Meena Poly Clinic".

For Petitioner : Mr. K. Govi Ganesan

For Respondent : Ms. P. Shanthi, Standing Counsel

O R D E R

Heard Mr. K. Govi Ganesan, Learned Counsel for the Petitioner and Ms. P. Shanthi, Learned Standing Counsel appearing for Respondent and perused the entire materials available on record.

2. The Petitioner had earlier filed W.P. No. 14729 of 2017, which was disposed along with batch of cases by order dated 21.06.2017 in W.P.Nos. 12531, 10604 and 14729 of 2017 and W.P. No. 9125 of 2016 in which this Court had passed a self-explanatory order, which reads as follows:-

"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."

3.The grievance now sought to be ventilated by the Petitioner in this Writ Petition is that though two years had lapsed since then, the respondents not yet informed the petitioner of the decision taken pursuant to the aforesaid order passed by this Court for constructing of foot over bridge on the Tiruppur Kangeyam Main Road, close to the Rakkiayapalayam Pirivu (Junction) and in front of the Petitioner's shop, "M/s. Meena Pharmacy & Hospital and M/s. Meena Poly Clinic".

4. In response to the aforesaid contention of the petitioner, it has been stated in the counter affidavit filed by the respondent as follows:-

"7.I humbly submit that, as per order in W.P.No.14729 of 2017 dated 21.06.2017, our Corporation conducted enquiry and made spot inspection and examined the need and feasibility. After careful consideration, our Corporation has shifted it to some other place I.e., Tiruppur to Kangeyam Road, in front of Our Tiruppur Corporation Zone No.III office North side connecting to Adi Dravidar Colony in the South side.

8.I further submit that the above said proposed place, the foot bridge work was started immediately and at this juncture about 25% of the work has been completed. This work has been purely executed in the interest and welfare of the public. I further submit that the above said proposed project place is away from the petitioner's shop at a distance of 1.6 Km approximately."

5.It is noticed from the aforesaid action taken by the respondent, nothing remain for consideration in this writ petition.

6. Accordingly, the Writ Petition is disposed. consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

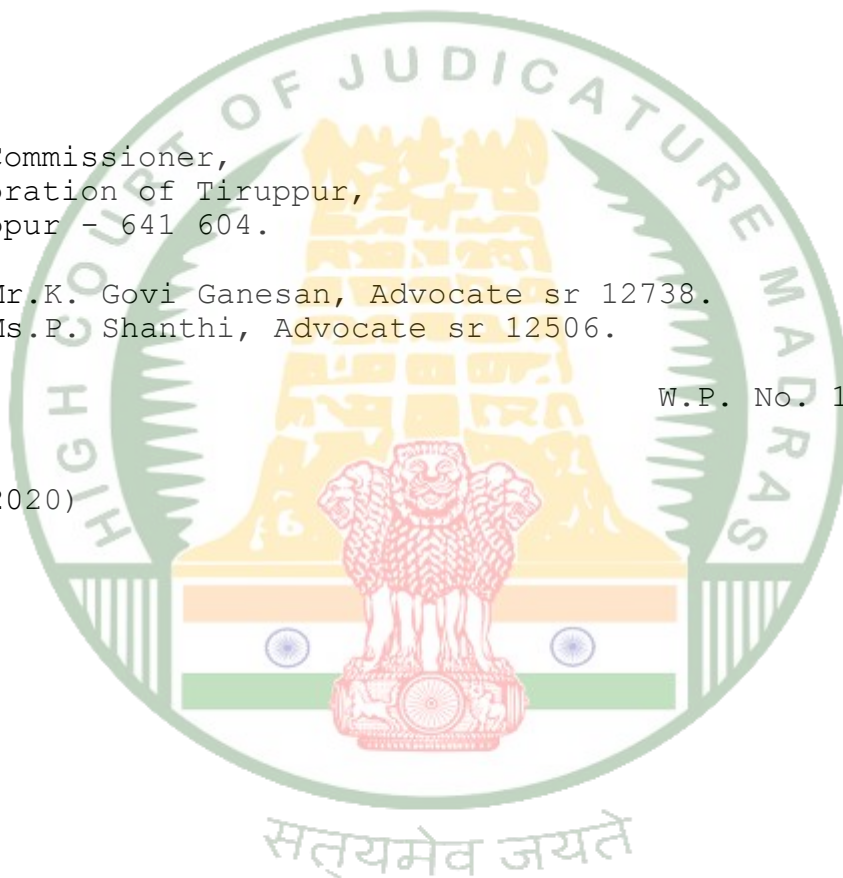
vjt/bkn
To

The Commissioner,
Corporation of Tiruppur,
Tiruppur - 641 604.

+1 CC to Mr.K. Govi Ganesan, Advocate sr 12738.
+1 CC to Ms.P. Shanthi, Advocate sr 12506.

W.P. No. 1016 of 2020

SSD(CO)
SP(04/06/2020)



WEB COPY