

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16238 of 2020

K.Karunaiammal

...Petitioner

Vs.

1. The Secretary to the Government
Highways and Minor ports,
Chennai.
2. The District Collector,
Tiruppur District.
3. The Director General,
Highways Department,
Public Works Department Complex,
Kamarajar Salai,
Chepauk, Chennai 600 005.
4. Nallur Municipality,
Tiruppur District.
5. The Revenue Divisional Officer,
Nallur, Tiruppur District

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.11.2020 and consequently, forbear the respondents to refrain from proceeding with constructing of the foot over bridge on Tirupur to Kangayam Highway in between Rakkaiyappalayam and Nallur Division, till the disposal of the representation.

For Petitioner : Mr.Sarvabhauman Associates

For Respondents : Mr.V.Ananda Murthy,
Standing Counsel for R1 and R3
Mr.E.Balamurugan
Special Government Pleader
for R2 and R5
Mrs.Shanthi
for 4th respondent

ORDER

This Writ Petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner, wherein the petitioner has requested the respondents not to continue with the construction of foot over bridge at Tirupur to Kangeyam Highways on the ground that Foot bridge virtually blocks the entrance of the entire colony belonging to the petitioner.

2. Mr.V.Ananda murthy, learned standing counsel takes notice for respondents 1 and 3. Mr.E.Balamurugan, learned Special Government Pleader, takes notice for respondents 2 and 5 and Mrs.Shanthi, takes notice for the 4th respondent. It is brought to the notice of this Court that the 4th respondent is now merged with Tirupur corporation and it now comes within the jurisdiction of the corporation.

3. The learned counsel for the petitioner submitted that the respondents can be directed to consider the representation made by the petitioner and they can consider relocating the construction of the foot over bridge.

4. Mr.P.Silambanan, learned Senior Counsel appearing on behalf of the 4th respondent submitted that the 4th respondent had conducted a survey and had chosen more than two or three locations to construct the foot over bridge and the place in which the work is going on does not in any way block the entrance of the colony. The learned Senior counsel further submitted that funds to the tune of Rs.43 lakhs was sanctioned to put up the foot over bridge and till now, 35 lakhs has already been spent on the construction. The learned Senior counsel further submitted that if this Court directs the 4th respondent to consider the representation made by the petitioner, the 4th respondent will consider the same and inform the decision to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the 4th respondent to consider the representation made by the petitioner on 02.11.2020 and convey the decision, within a period of four weeks from the date of receipt of copy of this order. This writ petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

rka

To

1. The Secretary to the Government
Highways and Minor ports,
Chennai.
2. The District Collector,
Tiruppur District.
3. The Director General,
Highways Department,
Public Works Department Complex,
Kamarajar Salai,
Chepauk, Chennai 600 005.
4. Nallur Municipality,
Tiruppur District.
5. The Revenue Divisional Officer,
Nallur, Tiruppur District

+1 CC to M/s.Sarvabhuman Associates sr 36837.

+1 Cc to The Government Pleader sr 36932.

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WP No.16238 of 2020

UM(CO)
SP(10/12/2020)