



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.1511 of 2021

M.Muthupandi

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Peraiyur, Madurai District.

3.The Commissioner,
Sedapatti Panchayat Union,
Sedapatti.

4.The Inspector of Police,
Elumalai Police Station,
Peraiyur Taluk, Madurai.

5.Gurusamy

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to commence and complete the construction of the bridge along Thathankulam Kanmai Channel in accordance with the proceedings in Na.Ka.No.1057/19 dated 16.09.2019 on the file of the third respondent with necessary protection from the police officials.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader
for R.1 to R.4

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner has come forward to file this writ petition seeking a Writ of Mandamus directing the official respondents to commence and complete the construction of bridge along Thathankulam Kanmoi Channel, in pursuant to the proceedings of the third respondent, dated 16.09.2019.

2. It appears that the aforesaid activity is not being carried on, in view of the objections raised by one section of people belonging to a particular community. As rightly submitted by the learned Counsel, a public work does not impeach upon the individual



views of a section of the Society, which is based upon their personal views touching upon community or caste.

3. If such activities are allowed to carry on, it will further affect the harmony that prevails in the State. A benefit cannot be denied on the sole ground that it is being opposed by persons belonging to some other community. The project has been contemplated and conceded to facilitate to the needs of the general public. Holding up the project in view of the objections raised on communal line can never be accepted and it would be an unacceptable precedent.

4. As of today, the project is on. Though work order was given as early as on 16.09.2019, it is yet to take-off in view of the frivolous objection and that too, on communal lines as against the utility. Thus, we direct the respondents 1 to 4 to see to it that the aforesaid proposal is given effect to at the earliest, preferably within a period of four months from the date of receipt of a copy of this order.

5. We make it clear that in the case of possible hindrance, the official respondents will have to use the police force, as nobody's rights is being affected by the proposed construction.

6. Though the petitioner has arrayed one private party as fifth respondent, we are not inclined to hear the said person, as there is no such need, especially, his rights are not affected and the constructions are, admittedly, for public interest and to be used by the residents of the locality.

7. With the above observations and directions, this writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Peraiyur Taluk,
Peraiyur, Madurai District.



3.The Commissioner,
Sedapatti Panchayat Union,
Sedapatti.

4.The Inspector of Police,
Elumalai Police Station,
Peraiyur Taluk, Madurai.

+1 CC to M/s.SPL GP (SR-3352[F] dated 04/02/2021)

+1 CC to M/s.G.PRABHU RAJADUAI, Advocate (SR-3388[F] dated
04/02/2021)

W.P. (MD) No.1511 of 2021
03.02.2021

TP (CO)
KB (12.02.2021) 3P 7C