



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A.(MD)No.464 of 2021 and

CMP(MD) No.1959 of 2021

Padmini

:Appellant

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Planning Officer,
Office of the District Collector,
Thanjavur District, Thanjavur.

3.The Tahsildar,
Orathanadu Taluk
Thanjavur District.

4.The Assistant Executive Engineer,
Public Works department (Buildings)
Pattukottai, Thanjavur District.

5.The Block Development Officer,
Office of the BDO
Thiruvonam
Thanjavur District.

6.K.Bhaskar

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.7433/2020 dated 25.01.2021.

Prayer in WP(MD). 7433/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other writ, order or a direction in the nature of Writ forbearing the respondents from putting up a bus shelter or any construction upon Survey No.150, Kizhamangalam (Village Number 115) which stands classified as a water channel vested with the Public Works Department.



For Appellant

: Mr.G.Thiruvartselvan

For Respondents

: Mr.K.P.Krishnadoss for R1 to R5
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The appellant is the petitioner before the learned single Judge. He filed a writ of Mandamus forbearing the respondents from putting up a bus shelter on the ground that the area is earmarked as a water body.

2. The learned Judge, after holding that the construction was in a water body, permitted the construction to go on, since substantial work has already been done and no more construction would be made over the same. The learned Judge also recorded the fact that access to the petitioner's Tea Stall would not be affected.

3. The learned counsel for the appellant submitted that the land in question being a water body, the order of the learned single Judge requires to be interfered with.

4. We do not find any reason to interfere with the order of the learned Single Judge. Admittedly, substantial work has already been completed. It is not as if the entire area is converted into a bus shelter. The access to the petitioner's Tea stall is also assured. The petitioner's real interest is not to protect the water body, but to safeguard the access. Her interest is only to run the Tea Stall. The construction is only for a bus shelter. Thus, looking from any perspective, we do not find any merit in this writ appeal. Accordingly, the writ appeal stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar (CS)

RR

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To

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Thanjavur District.

**Order made in
W.A. (MD) No.464 of 2021
01.03.2021**

KM (08.03.2021) 3P 6C