



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.11211 of 2022

&

WMP.No.10784 of 2022

Kristappa Gramani Education Trust
Represented by its Secretary
K. Kamalakkannan

...Petitioner

Vs.

1. The District Collector
Chengalpattu District,
Office of the District Collector
Collectorate GST Road, Chengalpattu 603001

2. The Divisional Engineer
Highways Department,
Office of the Highways Department,
MXGG + CWP, Alagesan Nagar
Varadharaja Nagar, Chengalpattu-603001

3. The Assistant Divisional Engineer,
Highways Department,
Office of the Highways Department,
MXGG + CWP Alagesan Nagar,
Varadharaja Nagar, Chengalpattu 603001.

4. Kumaravel

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to forbear from excavating and constructing rain / storm water canal in Sy No. 616 / 3B in Thaiyur village, Thirupporur Taluk, Chenglapattu District.

For Petitioner : Mr.T.Mohan for
Ms.G.Shanthi Meenakshi

For Respondents : Mr.C.Jayaprakash [R1 to R3]
Government Advocate



O R D E R

Mr.C.Jayapraskh, learned Government Advocate accepts notice for R1 to R3 and is armed with instructions enabling a final disposal of the matter, even at the stage of admission. In the nature of order proposed to be passed, no notice is thought necessary to R4 at this juncture.

2. The petitioner is the KristappaGramani Education Trust situated at Thaiyur, Kelambakkam Post, Chengalpattu District. It is aggrieved by the ongoing action of the respondents in excavating and constructing a rain/storm water canal in S.No.616/3B in Thaiyur Village, Thirupporur Taluk, Chengalpattu District.

3. Mr.Jayaprakash, learned Government Advocate for R1 to R3 has obtained written instructions in letter bearing no.151/2022/JDO-1 dated 29.04.2022 to the following effect:

In the reference cited, the Government has accorded the administrative sanction for the work of Reconstruction of Box culvert at Km ½ of Thaiyur Road and estimate for Rs.26.60 Lakhs and the same work is entrusted to the contractor Thiru.P.Balaji, Guduvancheri.

In this connection, the Construction of Box culvert is proposed in flood over flowing portion where every year people cut the road portion for receding. Also the Construction is in Government land only for Survey No.391 of Thaiyur village and Petitioner land situated 4.00m beyond Construction of Box culvert at Km.1/2 of Thaiyur Road.

4. A perusal of the written instructions, extracted above, would make it clear that there appears to be no identity between the land as referred to by the petitioner and the land in which the excavation/construction work is proposed.

5. Thus, and recording the aforesaid position, this writ petition is closed. Connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



To

1. The District Collector,
Chengalpattu District,
Office of the District Collector,
Collectorate GST Road, Chengalpattu 603001.

2. The Divisional Engineer,
Highways Department,
Office of the Highways Department,
MXGG + CWP, Alagesan Nagar,
Varadharaja Nagar, Chengalpattu-603001

3. The Assistant Divisional Engineer,
Highways Department,
Office of the Highways Department,
MXGG + CWP Alagesan Nagar,
Varadharaja Nagar, Chengalpattu 603001.

+1cc to Government Pleader SR.No.30866

+1cc to Mr.V.Adhivarahan, Advocate SR.No.30290

+1cc to the Government Pleader, S.R.No.30880 [09/06/2022]

W.P.No.11211 of 2022
&
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SSD(CO)
PR(24/05/2022)