

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17173 of 2022
and W.M.P.No.16462 of 2022

S.Sudha

.. Petitioner

Vs

- 1.The District Collector,
Tiruppur, Tiruppur District.
- 2.The Revenue Divisional Officer,
Tiruppur North,
Tiruppur District.
- 3.The Tahsildar,
Tiruppur North,
Tiruppur District.
- 4.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.
- 5.The Divisional Engineer,
State Highways,
Highways Compound, College Road,
Tiruppur.
- 6.The Executive Engineer,
State Highways,
Highways Compound, College Road,
Tiruppur.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondent Nos. 5,6 from converting / laying road in the pond named "Pusthi Kuttai" comprised in T.S.No.1, Ward No.A, Block No.131 situated at Annaipalayam, Tiruppur, Tiruppur District by considering the petitioner representation dated 23.06.2022.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.B.Vijay
Additional Government Pleader
for R1 to R3, R5 & R6
Ms.P.Shanthi for R4

ORDER

This writ petition has been filed for a mandamus seeking for a direction to forbear respondents 5 and 6 from converting / laying the road in the pond named 'Pusthi Kuttai' comprised in T.S.No.1, Ward No.A, Block No.131 situated at Annaipalayam, Tiruppur, Tiruppur District, based on the petitioner's representation dated 23.06.2022.

2. The petitioner is a resident in the aforementioned area. According to him, there is a pond which is commonly called as 'pusthi kuttai'. It is the contention of the petitioner that the said pond is now being converted into a road. According to him, being a water body, the State Highways cannot put up a road in the alleged pond. In such circumstances, the petitioner has given representation on 23.06.2022 to the respondents to forbear them from laying the road in the alleged pond. Since the respondents have not considered the representation till date, the petitioner has filed this writ petition.

3. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing for respondents 1 to 3, 5 and 6 and Ms.S.Shanthi, learned counsel appearing for the fourth respondent.

4. At the outset, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the Highways Department is laying road only to widen the same, for the purpose of free flow of traffic. According to learned Additional Government Pleader, there is no encroachment as alleged by the petitioner in the writ petition. According to him, only in public interest and to avoid the accidents, the road is being widened by the State Highway Department. The photographs of the same have also been produced before this Court. Learned Additional Government Pleader while referring to the same would submit that the construction commenced one and a half month before and is on the verge of completion.

5. However, learned counsel for the petitioner disputes the contention of the learned Additional Government Pleader.

6. This Court is of the considered view that no prejudice would be caused if the petitioner's representation seeking to

forbear the respondents from laying the road in the alleged pond, is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs respondents 4 and 5 to pass final orders on the petitioner's representation dated 23.06.2022 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. In view of the above, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

ssm

To:

- 1.The District Collector,
Tiruppur, Tiruppur District.
- 2.The Revenue Divisional Officer,
Tiruppur North, Tiruppur District.
- 3.The Tahsildar,
Tiruppur North,Tiruppur District.
- 4.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.
- 5.The Divisional Engineer,
State Highways,Highways Compound, College Road,
Tiruppur.
- 6.The Executive Engineer,
State Highways,Highways Compound, College Road,
Tiruppur.

+2ccs to Ms.P.Shanthi, Advocate SR.No.44759
+1cc to Mr.K.K.Myilsamy, Advocate SR.No.44861
+1cc to Government Pleader SR.No.45216

W.P.No.17173 of 2022

PMK(CO)
GMY(25/07/2022)