



WEB COPY



W.P.No.29294 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29294 of 2022

M.Selvamani

..

Petitioner

v.

1. The District Collector
Tiruppur District
2. The Executive Engineer
Public Works Department
Water Resources Department
(Irrigation Division), Tiruppur
3. Sri Selvanayagi Amman Weigh Bridge
Anaikkadu, Tiruppur 641 601
represented by its Proprietor Mr.Rajkumar
4. M/s Indus Clothing Corporation
No.28, NGR Nagar, Anaikkadu
Tiruppur 641 601
represented by its Partner Mr.Murugesan



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5. M/s Cliff India Corporation
No.26, NGR Nagar, Anaikkadu
Tiruppur 641 601
represented by its Proprietor Mr.F.N.Durai

6. M/s Enndee Steels
No.29, NGR Nagar, Anaikkadu
Tiruppur 641 601
represented by its Proprietor Prithiviraj

7. M/s Divya Traders
No.29, NGR Nagar, Anaikkadu
Tiruppur 641 601
represented by its Proprietor Smt.Umadevi .. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 herein from permitting commercial trucks and heavy vehicle to ply on the Noyyal riverside road margin in Ka.Sa.No.248/1 in F Block, NGR Road, Mannarai, Tiruppur in the light of the restraint order vide Ka.No.Ko.58/2022 dated 19.09.2022 passed by the second respondent by installing/keeping barricade under the continuous surveillance of the second respondent herein.

For Petitioner :: Mr.D.Murthy

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 & R2



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ORDER

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Mr.M.Selvamani, S/o Mani has filed this writ petition seeking for issuance of a mandamus, forbearing the respondents 1 and 2 herein from permitting commercial trucks and heavy vehicles to ply on the Noyyal riverside road margin in Ka.Sa.No.248/1 in F Block, NGR Road, Mannarai, Tiruppur, in the light of the restraint order vide Ka.No.Ko.58/2022 dated 19.09.2022 passed by the second respondent by installing/keeping barricade under the continuous surveillance of the second respondent herein.

2. Learned counsel appearing for the petitioner submitted that when the Assistant Executive Engineer, Water Resources Department, Irrigation Sub-Division, Coimbatore has already issued a letter dated 19.09.2022 to Mr.M.Selvamani, the petitioner herein stating that the Noyyal river bank can be used by the general public only for the purpose of walking and no permission for the commercial and heavy vehicles to ply on the road has been granted, as it would damage the Noyyal river bank, the District



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administrative authorities are not taking effective steps, as a result, the Noyyal river bank is being used by the commercial and heavy vehicles as a road. Unless the decision taken by the Assistant Executive Engineer, Water Resources Department, Irrigation Sub-Division, Coimbatore dated 19.09.2022, as communicated to the petitioner, is effectively enforced and implemented, the Noyyal river bank will definitely get damaged, as a result, nobody will be able to use the Noyyal river bank. Therefore, a direction be issued, he pleaded.

3. Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 1 & 2, placing on record the written instructions, submitted that the District Collector, Tiruppur has already instructed the Inspector of Police, Tiruppur Police Station (North) not to permit any commercial or heavy vehicles to ply on the Noyyal river bank with a further direction to keep a check and/or maintain vigil on the plying of the commercial/heavy vehicles on the Noyyal river bank to prevent its damage. Therefore, the petitioner cannot have any grievance.



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4. After going through the letter dated 19.09.2022 addressed to the petitioner by the Assistant Executive Engineer, Water Resources Department, Irrigation Sub-Division, Coimbatore, we are also of the view that the commercial/heavy vehicles should not be permitted to ply on the Noyyal river bank in order to prevent its damage. Therefore, we hereby direct the District Collector, Tiruppur to ensure that appropriate steps are forthwith taken by the officers concerned to install the iron barriers of required size and measurement above the road level, within a period of two weeks from the date of receipt of a copy of this order, so as to effectively prevent the plying of commercial/heavy vehicles on the Noyyal river bank and also to keep a check and/or maintain vigil to avoid its damage. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.28590 of 2022 is closed. There shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.)

(D.K.K.,J.)

Index : yes/no

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SS



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To

1. The District Collector
Tiruppur District
2. The Executive Engineer
Public Works Department
Water Resources Department
(Irrigation Division), Tiruppur



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

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