



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2715 of 2022

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C.Selvakumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil - 629 001.

2.The Executive Engineer,
PWD / Water Resource Organization,
Kodhaiyar Sub-Division,
Nagercoil,
Kanyakumari District.

3.The Assistant Engineer,
PWD / Water Resource Organization,
Boothanpandi,
Kanyakumari District.

4.D.R.Paulraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to restrain the fourth respondent from constructing small bridge across Therku Malai Odai in Survey No.809 and 810 of Aralvaimozhi Village, Kanyakumari District based on the petitioner's representation dated 05.01.2022.

For Petitioner : Mr.G.Kannan

For Respondents 1 to 3 : Mr.T.Amjad Khan
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to restrain the fourth respondent from constructing a small bridge across Therku Malai Odai



in Survey No.809 and 810 of Aralvaimozhi Village, Kanyakumari District based on the petitioner's representation dated 05.01.2022 within a time frame to be fixed by this Court.

2. Heard Mr.G.Kannan, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of respondents 1 to 3.

3. Learned Government Advocate on instructions submits that earlier the fourth respondent had filed a writ petition in W.P.[MD]No.11260 of 2021 in which he sought permission to construct a small bridge across the said Odai and by order dated 14.09.2021 in the said writ petition, a direction was given to the respondent therein to consider the petitioner's representation seeking permission to construct a bridge.

4. Learned Government Advocate on instructions would further submit that the permission sought for by the fourth respondent is under consideration and therefore the present writ petition is premature. According to him only after final orders are passed in the representation of the fourth respondent seeking permission to construct a small bridge, the petitioner can challenge the same if he is so aggrieved. But since no final orders have been passed till date, the present writ petition is pre-mature.

5. As rightly pointed out by the learned Government Advocate, when no final orders are passed on the fourth respondent's request to construct a small bridge across the said Odai, the apprehension raised by the petitioner in this writ petition is pre-mature. If at all the petitioner may have any grievance it can only be agitated only after final orders are passed in the representation given by the fourth respondent seeking permission to construct a bridge. A direction was also given by this Court on 14.09.2021 in the writ petition filed by the fourth respondent in W.P.[MD]No.11260 of 2021 to the respondent to consider the fourth respondent's representation seeking permission for constructing a bridge within a period of thirty [30] days from the date of receipt of a copy of this order. Admittedly, no final orders have been passed till date on the fourth respondent's request. This being the case the present writ petition filed by the petitioner is pre-mature.

6. After recording the statement made by the learned Government Advocate on instructions, the present Writ Petition is disposed of as being premature. However, if the petitioner is aggrieved by any final order to be passed by the respondent pursuant to the directions given by this Court on 14.09.2021 in W.P.[MD]No.11260 of 2021 the petitioner is granted liberty to challenge the same in the manner known to law.



7. With the above observations, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

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/ /2022

Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,
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Nagercoil - 629 001.
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3. The Assistant Engineer,
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+1 CC to M/s.SPL.GP (SR-5683[F] dated 11/02/2022)

W.P. [MD]No.2715 of 2022

10.02.2022

_RD(25.02.2022) 3P 5C