



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2022**

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.4104 of 2022

K.Panneer

.. Petitioner

/Vs./

1.The District Collector,
Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Block Development Officer,
Alanganallur Panchayat Union,
Alanganallur, Madurai District.

4.The President,
Alagapuri Panchayat Union,
Alagapuri Village, Vadipatti Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 21.02.2022 and pass appropriate orders for construction of an over bridge in the above said Oorani, which is comprised in S.No.265/1, Kallanai Village and situated on the Southern side of Alanganallur-Thanchiyam Road.

For Petitioner	:	Mr.G.Prabhu Rajadurai for Mr.K.Vinothharan
For R1 & R2	:	Mr.M.Lingadurai Special Government Pleader
For R3 & R4	:	Mr.G.Sivaraja Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the petitioner's representation, dated 21.02.2022 requesting the respondents to permit the petitioner to construct a bridge in the Oorani, comprised in S.No.265/1, Kallanai



Village and situated on the Southern side of Alanganallur-Thanchiyam Road and pass final orders within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is the owner of the agricultural land comprised in S.No.74/1A4, Kallanai Village, adjoining the Oorani. According to him, the only access for the petitioner to the other side of the land is through the Oorani. Since the adjoining lands are patta lands, the petitioner is unable to approach the other side of the Oorani. In such circumstances, he has given a representation on 21.02.2022 to the respondents to construct a bridge over the Oorani comprised in S.No.265/1, Kallanai Village and situated on the Southern side of Alanganallur-Thanchiyam Road to enable the petitioner to have free access. According to the petitioner, the neighbouring land owners are also consenting for the petitioner to put up a bridge over the Oorani, which is comprised in S.No.265/1, Kallanai Village and situated on the Southern side of Alanganallur-Thanchiyam Road. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.G.Sivaraja, learned Government Advocate, who accepts notice on behalf of the respondents 3 and 4.

4.The learned Special Government Pleader and learned Government Advocate, both appearing for all the respondents, on instructions, would submit that it is not possible to construct a bridge over the Oorani, as it is a water body. Being a water body, the petitioner cannot construct a bridge. According to them, there is an alternate access available to the petitioner to reach the other side of the Oorani and therefore, there is no necessity for construction of a bridge. However, the learned counsel appearing for the petitioner reiterates his contention that the only access available to the petitioner is through the Oorani for reaching the other side.

5.This Court, after giving due consideration to the averments made by the respective counsels, is of the considered view that no prejudice would be caused to the respondents, if the petitioner's representation dated 21.02.2022 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner. The petitioner has also filed documents to substantiate his claim along with this writ petition. All those documents will have to be considered, as and when the respondents consider the petitioner's representation on merits and in accordance with law.



6.The learned Special Government Pleader and learned Government Advocate appearing for the respondents, would submit that the Public Works Department, Madurai, is the appropriate Department to consider the petitioner's representation.

7.Since the Public Works Department, Madurai, is not a party respondent, who is the authority to consider the petitioner's representation, this Court directs the petitioner to give a fresh representation to the appropriate Officer of the Public Works Department, Madurai, seeking for the relief that has been sought for in his representation dated 21.01.2022 sent to the respondents earlier.

8.Accordingly, this Court directs the petitioner to submit a fresh representation to the appropriate Officer of the Public Works Department, Madurai, requesting for permission to the petitioner to construct a bridge over the Oorani comprised in S.No.265/1, Kallanai Village and situated on the Southern side of Alanganallur-Thanchiyam Road. On receipt of the said representation, the appropriate Officer of the Public Works Department, Madurai, is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the appropriate Officer of the Public Works Department, Madurai, deems fit to enquire, within a period of three (3) months from the date of receipt of representation from the petitioner.

9.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

To

1.The District Collector,
Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.



3.The Block Development Officer,
Alanganallur Panchayat Union,
Alanganallur, Madurai District.

4.The President,
Alagapuri Panchayat Union,
Alagapuri Village, Vadipatti Taluk,
Madurai District.

Copy to

The Officer in Charge,
Public Works Department,
Madurai.

+1 CC to M/s.G.SIVARAJA, Advocate (SR-10662[F] dated 08/03/2022)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10838[F] dated
09/03/2022)

+1 CC to M/s.SPL GP (SR-11151[F] dated 10/03/2022)

W.P (MD) .No.4104 of 2022

08.03.2022

RK(25/03/2022) 4P 9C