



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7010 of 2022

and

W.M.P.[MD]No.5337 of 2022

WEB COPY

P.Muthu Murugan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Public Works Department,
Rep. by its Superintending Engineer,
Public Works Department (WRO),
Periyar Vaigai Basin Circle,
Thallakulam,
Madurai District - 625 002.
- 3.The Assistant Director of Town and Country Planning,
O/o. The Assistant Director of Town and Country Planning,
Madurai District Town and Country Planning Office,
Madurai Corporation Building,
3rd Floor, Madurai - 625 002.
- 4.The Executive Engineer,
Public Works Department,
Periyar Vaigai Basin Circle,
Tallakulam,
Madurai District - 625 002.
- 5.The Tahsildar,
Madurai North Taluk,
Madurai District.
- 6.The Block Development Officer,
Madurai West Panchayat Union Office,
Reserve line,
Race Course Road,
Madurai District.
- 7.The Paravai Town Panchayat,
Rep. by its Executive Officer,
Paravai Town Panchayat,
Paravai,
Madurai North Taluk,
Madurai.



8.The Samayanallur Village Panchayat,
Rep. by its Executive Officer,
Samayanallur Village,
Madurai North Taluk,
Madurai.

9.S.Vijaya Vikraman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 8 to forbear the ninth respondent from putting up any road, bridge or any other permanent structure over the water channel in S.No.23 in Samayanallur Village, Madurai North Taluk, Madurai District adjacent to the petitioner's lands within the time frame to be fixed by this Court.

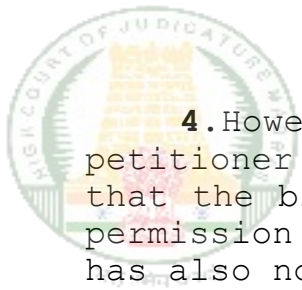
For Petitioner	: Mr.Mahaboob Fazil for Mr.T.Lajapathi Roy
For Respondents 1 to 5	: Mr.D.Sasikumar Additional Government Pleader
For Respondents 6 to 8	: Mr.N.Muthuvijayan Special Government Pleader
For Respondent No.9	: Mr.Imran for M/s.Ajmal Associates

O R D E R

The main grievance of the petitioner in this writ petition is that a bridge constructed over the water channel in S.No.23 in Samayanallur Village, Madurai North Taluk, Madurai District, adjacent to the petitioner's property will block the water channel affecting the interest of the residents of the said area. The petitioner claims that he is also having his residence in the aforementioned area.

2.Heard Mr.Mahaboob Fazil, for Mr.T.Lajapathi Roy, learned Counsel appearing for the writ petitioner, Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 5, Mr.N.Muthuvijayan, learned Special Government Pleader who accepts notice on behalf of the respondents 6 to 8 and Mr.Mohammed Imran, for M/s.Ajmal Associates, learned Counsel who accepts notice on behalf of the ninth respondent.

3.Learned Additional Government Pleader appearing for the respondents 1 to 5 would submit that only after complying with all the statutory formalities, the ninth respondent is constructing a bridge at his cost over the aforementioned water channel.



4.However, this Court will have to protect the interest of the petitioner in case in future the petitioner is able to establish that the bridge constructed by the ninth respondent after obtaining permission will obstruct the water channel and the ninth respondent has also not obtained permission from any statutory authority.

5.No prejudice would be caused to the official respondents, if such a direction is given.

6.For the foregoing reasons, this writ petition is disposed of by directing the ninth respondent to comply with all the statutory requirements and only thereafter proceed with the construction of the bridge over the water channel in S.No.23 in Samayanallur Village, Madurai North Taluk, Madurai District. Liberty is granted to the petitioner to approach the competent authority / Court in case in the near future it is found that the ninth respondent has violated any statutory requirements while constructing the bridge over the water channel in S.No.23 in Samayanallur Village, Madurai North Taluk, Madurai District.

7.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
Madurai District,
Madurai.

2.The Superintending Engineer,
Public Works Department (WRO),
Periyar Vaigai Basin Circle,
Thallakulam,
Madurai District - 625 002.

3.The Assistant Director of Town and Country Planning,
O/o. The Assistant Director of Town and Country Planning,
Madurai District Town and Country Planning Office,
Madurai Corporation Building,
3rd Floor, Madurai - 625 002.



4.The Executive Engineer,
Public Works Department,
Periyar Vaigai Basin Circle,
Tallakulam,
Madurai District - 625 002.

5.The Tahsildar,
Madurai North Taluk,
Madurai District.

6.The Block Development Officer,
Madurai West Panchayat Union Office,
Reserve line,
Race Course Road,
Madurai District.

7.The Executive Officer,
Paravai Town Panchayat,
Paravai Town Panchayat,
Paravai,
Madurai North Taluk,
Madurai.

8.The Executive Officer,
Samayanallur Village Panchayat,
Samayanallur Village,
Madurai North Taluk,
Madurai.

+1 CC to M/s.SPL.GP. (SR-19013[F] dated 18/04/2022)

+1 CC to M/s.IMRAN, Advocate (SR-19802[F] dated 20/04/2022)

W.P.[MD]No.7010 of 2022
13.04.2022

SMV (CO)
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