



W.P.No.17291 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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B.Sarala Balaji

.. Petitioner

VS

- 1.The District Collector,
Collectorate,
Thiruvallur District,
Thiruvallur.
- 2.The Executive Engineer,
Public Works Department,
Thiruvallur District,
Thiruvallur.
- 3.The Commissioner,
Thiruvallur Municipality,
Thiruvallur District,
Thiruvallur.
- 4.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 5.V.Kumar

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, their subordinates, men and agents from in any manner closing the open PWD canal which is being used to drain rain water during rainy reason and runs abutting northern side of Naladiyar Street, Iyannar Annex, Iyannar Avenue, Thiruvallur, Thiruvallur District, particularly at the backside of MSK Marriage Hall belongs to the 5th respondent.

For the Petitioner : Mr.P.Mani

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for respondents 1, 2 and 4

: Mr.P.Srinivas
for respondent No.3

: Mr.V.Srinivasa Babu
for respondent No.5

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.P.Mani, learned counsel for the petitioner;
Mr.T.K.Saravanan, learned Government Advocate for respondents
1, 2 and 4; Mr.P.Srinivas, learned counsel for respondent No.3;



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and, Mr.V.Srinivasa Babu, learned counsel for respondent No.5.

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2. The fifth respondent was permitted to construct a culvert of size 6 x 7 meters to reach the lands from either side in S.F.Nos.89/2A and 111 in Periyakuppam Village in Tiruvallur Taluk and District. Conditions were imposed for construction of the said culvert.

3. Learned counsel for the petitioner submits that respondent No.5 is not adhering to the said conditions.

4. It is admitted that the fifth respondent has not commenced the construction. According to the fifth respondent, the plan is approved by the authority.

5. If the construction has to be made of the culvert as per the order of the authority, then the same will have to abide by the conditions. No construction has been carried out as yet. The writ petition is merely based on presumption that the fifth respondent would not abide by the conditions. In case, the fifth respondent



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carries out the construction by not abiding by the conditions, then the petitioner may have a cause to file the writ petition. Today, the writ petition is premature.

6. The writ petition, as such, is disposed of. There will be no order as to costs. Consequently, W.M.P.No.16824 of 2019 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The District Collector,
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Thiruvallur.
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Public Works Department,
Thiruvallur District,
Thiruvallur.
- 3.The Commissioner,
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Thiruvallur.



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4.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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