



W.P(MD)No.17159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17159 of 2022

and

W.M.P.(MD)Nos.12523 of 2022 & 1529 of 2023

S.P.Multispecialty Hospital Pvt.Ltd.,
Represented by its Managing Director,
Dr.P.Robert Raj,
S/o.Ponnaiyan,
315A, K.P.Road, Nagarcoil,
Kanniyakumari

... Petitioner

Vs

- 1.The District Collector,
Kanniyakumari at Nagarcoil.
- 2.The Tashildar,
Vilavancode,
Kanniyakumari.
- 3.The Executive Officer,
Kaiyakkavil,
Kanniyakumari.
- 4.The Divisional Engineer,
National Highways, No.75,
Raman Pillai Street,
Old Employment Officer Building,
Nagarcoil.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the second and third respondents from obstructing the ingress and egress by constructing weigh bridge in front of the petitioner's property at S.No.459, 460, Kaliyakkavilai Village, Vilavancode Taluk, Kanniyakumari District.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.In this case I had granted an interim order only on the ground that the local body had not obtained permission from National Highways.

3.Today when the matter was taken up for hearing, the learned Special Government Pleader produced a copy of the proceedings dated 16.09.2022 issued by the Divisional Engineering, National Highways, Nagercoil. Therefore, the basic objection raised by the writ petitioner does not survive. The writ petitioner is a Hospital and it has a frontage extending to 87.75 feet. The proposed construction to be put up by the local body will occupy around 30 feet. The rights of the petitioner to access the main road will not at all be affected. The construction is not coming on any land belonging to the



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petitioner. It is coming up only on the National Highway. Therefore, the petitioner cannot be said to suffered any legal injury.

4.The writ petition is dismissed. The interim order earlier granted is vacated. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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Kanniyakumari at Nagarcoil.
- 2.The Tashildar,
Vilavancode,
Kanniyakumari.
- 3.The Executive Officer,
Kaiyakkavil,
Kanniyakumari.
- 4.The Divisional Engineer,
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G.R.SWAMINATHAN, J.

MGA

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