



W.P(MD)Nos.20808 & 24489 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.20808 & 24489 of 2023

and

W.M.P(MD)Nos.17220 & 20673 of 2023

W.P(MD)No.20808 of 2023:

Rajalakshmi

... Petitioner

Vs

1.The District Collector,
Thiruchirapalli,
Trichy.

2.The Member Secretary,
Town & Country Planning Committee,
Thiruchirapalli District,
Trichy.

3.The Tahsildar,
Thiruchirapalli Taluk,
Thiruchirapalli.

4.The Commissioner,
Thiruchirapalli City Corporation,
Trichy – 1.

... Respondents



W.P(MD)Nos.20808 & 24489 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 and 4 herein from any manner installing/constructing the sewage water treatment plant in the approach road of Mookambigai Nagar 7th Extension, Melakalkandarkottai, Trichy Taluk and District bearing S.No.131/1 by considering the petitioner's representation dated 05.07.2023.

For Petitioner : Mr.G.Mohan Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.R.Baskaran
Additional Advocate General
for R.B Law Associates for R.4

W.P(MD)No.24489 of 2023:

1.G.Radhiga

2.S.P.Raja Sulochana

3.X.Arokiaraj

4.R.Saranya

5.B.Lalitha

6.R.Kaleeswari

... Petitioners

Vs

1.The District Collector,
Trichy District, Trichy.



W.P(MD)Nos.20808 & 24489 of 2023

- 2.The Commissioner,
Thiruchirapalli City Corporation,
Bharathidasan Salai,
Cantonment, Trichy.
- 3.The Joint Director Town and Country Planning,
Trichy District,
CWC Godown Road,
Kajamalai, Trichy.
- 4.The Member Secretary,
Thiruchirapalli Local Planning Authority,
No.71, Williams Road,
Mela Pudur, Sangiliyandapuram,
Trichy.
- 5.The Tahsildar,
Trichy East Taluk,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from made any obstructions in any manner in the public pathway, which is approved by the fourth respondent, situated in S.No.131/1 Alathoor village, Trichy East Taluk, Trichy district on the basis of petitioners representation dated 27.08.2023.

For Petitioners : Mr.T.Vadivelan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1, R.3, R.4 & R.5

Mr.R.Baskaran
Additional Advocate General
for R.B Law Associates for R.2



W.P(MD)Nos.20808 & 24489 of 2023

COMMON ORDER

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Heard both sides.

2. The writ petitioners are purchasers of individual plots in Alanthur Village, Melakalkondarkottai, Tiruchirappalli. They want this Court to restrain Tiruchirappalli City Municipal Corporation from putting up sewage pumping station under the AMRUT scheme in Survey No.131/1.

3. The petitioners' allegation is that the proposed construction will come up on the existing public road and that it will affect their access rights. My attention is drawn to the memorandum bearing Na.Ka.No.A49142.2002 dated 18.09.2002 issued by the Tahsildar, Tiruchirappalli, the proceedings of the Corporation issued by the Commissioner of Municipal corporation issued vide Na.Ka.No.F1/467/2021/மொன் dated 06.05.2021 and the communication of the Member Secretary, Local Planning Authority, Tiruchirappalli issued vide Na.Ka.No.3742/2018/தொர் - 3 dated 30.07.2021. It can be seen therefrom that bund of Thattankulam had already been recognised as a public road. In fact, Moogambigai Nagar layout itself was an unapproved layout. While regularising the same, this bund road was shown as the access road.



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4. The learned Additional Advocate General clarified that the proposed construction will not come up on the said bund road which is 6.5 meters wide.

A copy of the sketch has been produced for my perusal. It is seen therefrom that the proposed construction will come between Moogambigai Nagar Cross Street in S.F.No.131/2 and Moogambigai Cross Street in S.F.No.133. It will be located to the east of the bund road. It is also clarified that the width of the bund road will be maintained. In my view this more than takes care of the rights of the writ petitioner. There is no need to restrain the authorities from going ahead with the construction. He also informs the Court that the District Collector, Tiruchirappalli had already given “enter upon permission” vide communication bearing Na.Ka.No.A4/55049/2023 dated 09.10.2023. In this view of the matter, there is no question of restraining the respondents from carrying out the proposed construction activities.

5. Recording the stand of the respondents, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.10.2023

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



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G.R.SWAMINATHAN, J.

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