



W.P(MD)No.27769 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27769 of 2023

and

W.M.P.(MD)No.23878 of 2023

Palaniappa Pasana Paribala Sabai,
Ward-5, Big Street,
Palanichettipatti,
Theni District,
Rep. by its President,
Pasupathi Ramkumar

... Petitioner

Vs.

- 1.The District Collector,
Theni District.
- 2.The Executive Engineer,
Water Resource Development,
Periyaru Vaigai Sub Basin Sub Division,
Madurai.
- 3.The Superintending Engineer,
Water Resource Development,
Periyaru Vaigai Sub Basin Circle,
Madurai.
- 4.The Assistant Executive Engineer,
Water Resource Development,
Periyaru Vaigai Sub Basin Sub Division,
Uthamapalayam Taluk,



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Theni District.

5.The Tahsildar,
Taluk Office, Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents herein from in any manner removing the retaining wall constructed in Survey No.1533, Palanichettipatti, Theni District, and consequently direct the respondents herein to consider the representation of the petitioner herein dated 22.06.2023 to allow the petitioner to complete the retaining wall at its cost and vest the same in favour of the Public Works Department.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner has been entrusted with the task of maintaining the petition mentioned supply channels. The petitioner had unauthorizedly constructed the petition mentioned retaining wall. The petitioner apprehends that the authorities may demolish the same.



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3. When the matter was taken up for hearing, I wanted to know from the respondents if the retaining wall would obstruct free flow of water. Answer is in the negative. The respondents are apprehending from the manner of construction that the petitioner may put the adjacent space for commercial use. The learned counsel for the petitioner on instructions categorically stated that 80% of the work is over and that after completing the remaining 20%, the authorities can take over the maintenance of the retaining wall. It is further undertaken that the adjacent and adjoining spaces will not be put to any commercial use by the petitioner. This undertaking is recorded.

4. The Writ Petition is disposed of by permitting the petitioner to complete the balance construction of the retaining wall. No costs. Consequently, connected miscellaneous petition is closed.

24.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

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