



W.P.(MD). No. 9445 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD). No. 9445 of 2023

and

W.M.P(MD). Nos. 8432 and 8434 of 2023

1.B.Sirajudeen

2.S.Fathima

3.S.Abuthahirudeen

... Petitioners

Vs.

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2. The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli City.

3. The Assistant Commissioner,
Srirangam Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli City.

4. The Junior Engineer,
Corporation Office,
Srirangam Division,
Near Devar Hall,
Tiruchirappalli-620008.



W.P.(MD). No. 9445 of 2023

5. The Commissioner of Police,
Pudukkottai Main Road,
Subramaniapuram,
Tiruchirappalli.

6. The Inspector of Police,
Fort Police Station,
Law and Order,
Tiruchirappalli.

7. A.Abufarish
(R7 is impleaded vide Court order
dated 23.06.2023 in WMP(MD).No.
11935 of 2023 in WP(MD).No.9445 of 2023)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents 5 and 6 to give police protection to the respondents 3 and 4 to enable them to implement the work orders issued by the 3rd respondent in Na.Ka.No.086/S1/1/22-23/0001258 dated 03.06.2022 and in Na.Ka.No.086/S1/1/22-23/0001259 dated 03.06.2022 for execution of underground drainage connection work for petitioners' Kalyana Mandapam at Door No.9 and 9/1, Singarathope Street, Tiruchirappalli within the time frame fixed by this Court.

For Petitioners : Ms.J.Maria Roseline



W.P.(MD). No. 9445 of 2023

For R1,R5 & R6 : Mr.Thanga Aravindh.B,
Government Advocate
(Crl. Side)

For R2 to R4 : Mr.J.Sri Prasad
for M/s.R.B.Law Associates

For R7 : Mr.M.P.Senthil

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 5th and 6th respondents to give police protection to respondents 3 and 4 to enable them to undertake the execution of the underground drainage connection work to the petitioners' Kalyana Mandapam.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The specific case of the petitioners is that the petitioners' family owns and runs a Kalyana Mandapam in the name and style of 'New Golden Mahal' in the subject property. The drainage pipeline for the said Kalyana Mandapam runs through the common lane situated on the north



W.P.(MD). No. 9445 of 2023

side of the Kalyana Mandapam to reach the Labaipatti Street which is on the western side. On 08.05.2022, the drainage pipeline of the Kalyana Mandapam got choked and therefore, the petitioners undertook the process of cleaning the drainage pipeline. There was some disruption during that process.

4. The problem continued and the right of the petitioners over the common lane through which the drainage pipeline is running became a subject matter of litigation in O.S.No.768 of 2007 on the file of the learned III Additional District Munsif, Tiruchirappalli. This suit was filed by the rival party and the suit came to be dismissed and the same was also further confirmed in the appeal in A.S.No.107 of 2017 on the file of the learned II Additional Sub Court, Tiruchirappalli. It is brought to the notice of this Court that a second appeal is pending.

5. The petitioner submitted an application seeking for underground drainage connection before the corporation. The same was considered and the 3rd respondent issued a work order dated 03.06.2022 for the execution of underground drainage connection work to the Kalyana



W.P.(MD). No. 9445 of 2023

Mandapam belonging to the petitioners.

WEB COPY

6. Pursuant to the work order issued by the corporation, when the staffs belonging to the corporation wanted to commence the work, some miscreants once again stopped them and as a result, the staffs of the corporation were not able to proceed further with the work. A representation / complaint was made to the respondent police to provide police protection in order to execute the work order issued by the 3rd respondent. Since the same was not considered, the present writ petition has been filed before this Court.

7. When the matter came up for hearing on 07.11.2024, this Court directed the learned counsel for the 7th respondent to take instructions and report before this Court.

8. When the matter was taken up for hearing today, the learned counsel for the 7th respondent placed an alternative suggestion with respect to the underground drainage connection work that can be carried out by the petitioners. The said suggestion made by the learned counsel



W.P.(MD). No. 9445 of 2023

for the 7th respondent was not acceptable to the learned counsel for the petitioners. The learned counsel for the petitioners submitted that the petitioners have succeed before the Trial Court and before the Appellate Court and the corporation has already issued a work order for execution of the underground drainage connection work and therefore, the 7th respondent cannot prevent the work from being carried out. Therefore, the learned counsel contended that in case of any disruption, the police must be directed to provide police protection in order to complete the work.

9. It is not necessary for this Court to go into the *inter se* dispute between the parties. That is well beyond the scope of this writ petition. The fact remains that the applications submitted by the petitioners have already been acted upon by the corporation and the corporation has taken steps to execute the underground drainage connection work for the petitioners' Kalyana Mandapam. Under such circumstances, the officials cannot be prevented from doing the work. It is not necessary for this Court to even suggest the place from which such underground drainage connection can be made. The staff belonging to the corporation will be



W.P.(MD). No. 9445 of 2023

best suited to decide on this issue.

WEB COPY

10. In the light of the above discussion, it is left open to the 3rd and 4th respondents to proceed further with the execution of the underground drainage connection work for the petitioners' Kalyana Mandapam and if in case of any disruption/interference, there shall be a direction to the 6th respondent to provide police protection. If according to the 7th respondent, this execution of work affects the right of the 7th respondent, it is made clear that the underground drainage connection work that is done by the corporation will be subject to the final result of the pending second appeal.

11. This writ petition is disposed of with the above directions. Consequently, the connected miscellaneous petitions are closed.

15.11.2024

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

pal

Note: Issue order copy by 20.11.2024.

7/9



W.P.(MD). No. 9445 of 2023

WEB COPY To

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
2. The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli City.
3. The Assistant Commissioner,
Srirangam Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli City.
4. The Junior Engineer,
Corporation Office,
Srirangam Division,
Near Devar Hall,
Tiruchirappalli-620008.
5. The Commissioner of Police,
Pudukkottai Main Road,
Subramaniapuram,
Tiruchirappalli.
6. The Inspector of Police,
Fort Police Station,
Law and Order,
Tiruchirappalli.



WEB COPY



W.P.(MD). No. 9445 of 2023

N.ANAND VENKATESH,J.

pal

Order made in
W.P.(MD). No. 9445 of 2023

15.11.2024