



W.P.(MD) No.20845 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.20845 of 2016

and

W.M.P.(MD) No.14885 of 2016

N.Guna

.. Petitioner

Vs.

The Executive Engineer,
Public Work Department,
WRO, Cauvery Basin Division,
Thanjavur, Thanjavur District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to forbear the respondent from preventing the petitioner or any person from plying Heavy Motor Vehicle through the Thirukkattupalli Kudamurutti Cauvery Bridge in the absence of any status report as to the stability of the Thirukkattupalli Kudamurutti Cauvery Bridge.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

The writ petitioner had sought a mandamus to forbear the respondents from preventing the petitioner or any person from plying Heavy Motor Vehicle through the Thirukkattupalli Kudamurutti Cauvery Bridge in the absence of any status report as to the stability of the said Bridge.

2. When the matter had been listed on 15.11.2024, at request of the respondent for filing of the status report with regard to the status of the Bridge, the matter was adjourned.

3. Today, a detailed status report has been filed by the respondent. A reading of the report would indicate that the said Bridge is more than 100 years of old and considering the stability of the Bridge, a decision had been taken not to permit heavy vehicles weighing more than 7 tonnes to access the Bridge. It has also been indicated that about 970 m in the upstream, a new Highway Traffic Bridge was constructed in the year



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2014. But the same report also indicated that an excess mileage of 8 km for the deviation is necessary. The said report also indicated that the petitioner is running a brick klin industry and if such vehicles carrying loads of bricks are permitted in the bridge, the same would further cause damage to the bridge, which would directly affect the general public using Light Motor Vehicles. The report also further indicated that there is another alternate bridge, which is located within the distance of 3.5 km. from the brick klin industry of the petitioner.

4. The said report was opposed to by the learned counsel for the petitioner by contending that even in the said report, it has been admitted that the petitioner has to do an extra mileage of 8 km, if he has to use the another bridge, even though the same is located 1 km away from the bridge.

5. The petitioner is carrying on brick klin industry which had not been disputed by him. He is carrying on commercial activity and for such commercial activity, the petitioner cannot be permitted to use an old



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bridge, which is more than 100 years old by plying lorries with bricks which may damage the stability of the bridge.

6. When alternate bridges are available to satisfy the needs of the petitioner, the petitioner cannot insist upon to use a particular bridge when it had been clearly stated in the status report that such usage of bridge by heavy vehicles would damage the bridge. The report also clearly indicates that what had been permitted is only Light Motor Vehicles to go across the bridge. In such view of the matter, I do not find any merits in the writ petition and the writ petition is accordingly, dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.11.2024

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

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To

The Executive Engineer,
Public Work Department,
WRO, Cauvery Basin Division,
Thanjavur, Thanjavur District.



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K.KUMARESH BABU, J.

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