



W.P (MD).No.28928 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.28928 of 2024

A.Prabakaran

...Petitioner

Vs.

1.The Principal Secretary,
Public Works Department,
Water Resource Management Division,
Fort St. George,
Secretariat,
Chennai.

2.The Executive Engineer,
Public Works Department,
Periyar Vaigai Water Resources Division,
Tallakulam,
Madurai.

3.The Assistant Executive Engineer,
Public Works Department,
Periyar Vaigai Water Resources Division,
Tallakulam,
Madurai.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent vide proceedings க.எண்.வப/732M/இவஅ3/2024/கோ30(மனு)/ dated 19.11.2024 and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and



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consequently direct the second respondent to accord permission to construct a Bridge across the Chinthamani Channel between petitioner proposed residential house facing east bearing Door No.1/1, West Ponnagaram 12th Street and West Ponnagaram Main Road, Madurai in Town Survey No.1064/1J1 belonging to the respondents.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.R.Baskaran,
Additional Advocate General
Assisted by Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent, dated 19.11.2024, thereby, rejected the request made by the petitioner seeking permission to construct the Bridge across the Chinthamani Channel between petitioner proposed residential house facing east bearing Door No.1/1, West Ponnagaram 12th Street and West Ponnagaram Main Road, Madurai in Town Survey No.1064/1J1.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. The petitioner owned the house facing east bearing Door No.1/1, West Ponnagaram 12th Street, West Ponnagaram Main Road, Madurai. He obtained planning permission to construct the house and also sought for permission to put up a over bridge across the Channel situated adjacent to his house property. However, it was rejected on the ground that the petitioner's plot is situated adjacent to the West Ponnagaram 12th Street and it is connecting to Arapalayam - Melaponnagaram Main road by a over bridge on the Eastern side. Therefore, the petitioner has access to his property to reach the main road. The petitioner wants to separate bridge to reach his house.

5. As per the plan produced by the petitioner, on the northern side of the petitioner's plot, Melaponnagaram 12th Street is situated and to reach the subject street he has a pathway with the measurement of 23 x 5 feet. The Melaponnagaram 12th street is already having the bridge to connect the Arapalayam - Melaponnagaram main road. That apart, there is an encroachment over the bridge and as such, the Public Interest Litigation has been filed in W.P(MD)No.22197 of 2024. This Court by an order, dated 03.10.2024, directed the authority concerned to remove the encroachment after issuance of notice to the encroachers. Therefore, the request made by the petitioner was rightly rejected by the second respondent and this Court finds no



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infirmity or illegality in the order passed by the second respondent and this writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

03.12.2024

To

- 1.The Principal Secretary,
Public Works Department,
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Secretariat,
Chennai.
- 2.The Executive Engineer,
Public Works Department,
Periyar Vaigai Water Resources Division,
Tallakulam,
Madurai.
- 3.The Assistant Executive Engineer,
Public Works Department,
Periyar Vaigai Water Resources Division,
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