



W.P(MD)No.15671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15671 of 2025

Alagumani

... Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The Divisional Engineer,
Highways, Madurai Division,
Madurai.
3. The Assistant Divisional Engineer,
Highways, Dindigul Sub Division,
Dindigul.
4. Myan's Infrastructures,
Proprietor
34, Mosuvanna Street,
Erode – 638 001.

... Respondents

***(R4 is suo motu impleaded vide Court order
dated 19.06.2025 in W.P.(MD)No.15671 of 2025)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to dig the pit manually without causing any damage to the petitioner's building instead of using the explosives for digging pit near the railway under bridge situated at T.S.No.80, Block-6, Ward-7, Balakrishnapram (Post), R.R.Pudur,(Palani gate)



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Dindigul, by considering the petitioner's representation dated 08.06.2025, within time stipulated by this Court.

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For Petitioner : Mr.B.Azhagesh
for P.P.Alwin Balan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to dig the pit manually, without causing any damage to the petitioner's building instead of using explosives for digging a pit near the railway underbridge, by considering the petitioner's representation dated 08.06.2025.

2. The respondent have initiated a project, whereby the accumulating water in the subway will be drained in the proposed construction. The allegation against the respondents is that, while carrying out the construction work, they are using explosives, which is causing damage to the petitioner's building. There are several buildings in the close proximity to the proposed construction site. Earlier when the subway was constructed, the petitioner already faced damages in his property. Therefore, the petitioner apprehends that while doing further work in



the subway, the respondents would again damage the petitioner's building.

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3. The learned Counsel appearing for the respondents submitted that with respect to the earlier damage, the petitioner did not submit any representation seeking compensation and therefore, the said contention cannot be accepted. Further, it is submitted that the present blasting work would be carried out explosively by engaging licensed and certified blasters, with all necessary safety measures being taken. He further relied on the contractor's undertaking, wherein it is stated that the blasting work will be conducted by taking all safety measures and by employing skilled persons and by ensuring all safety precautions are followed.

4. After considering the rival submissions, this Court is of the considered opinion that the contractor is a necessary party. Therefore, this Court *suo motu* impleads the contractor, namely, Myan's Infrastructures, 34, Mosuvanna Street, Erode – 638 001, as the fourth respondent. The District Collector, Dindigul District, is directed to issue notice to both the petitioner and the fourth respondent. The petitioner may suggest alternative blasting method before the District Collector, Dindigul District, as well as to the newly impleaded contractor. The contractor in turn shall consider the same and submit their explanation before the District Collector. After hearing both parties, the District Collector shall



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consider and pass appropriate orders accordingly. If the newly suggested blasting method incurs additional cost, the such cost shall be considered for approval. If the cost is over and above the contract executed by the parties, the parties are at liberty to re-work the contract in accordance with law. The said exercise shall be completed within a period four (4) weeks from the date of receipt of a copy of this order. Until then, the respondents are restrained from carrying out any blasting work. However, they are permitted to do digging work manually.

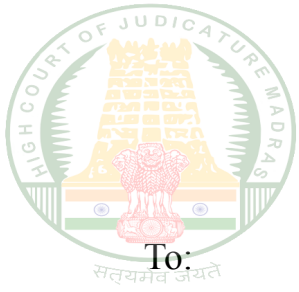
5. With the above said direction, this Writ Petition is disposed. There shall be no order as to costs.

19.06.2025

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

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NOTE: Issue order copy on 23.06.2025



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To:

1. The District Collector,
Dindigul District.
2. The Divisional Engineer,
Highways, Madurai Division,
Madurai.
3. The Assistant Divisional Engineer,
Highways, Dindigul Sub Division,
Dindigul.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.15671 of 2025

DATED : 19.06.2025