



W.P.(MD)No.27897 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.27897 of 2024
and
W.M.P.(MD)Nos.23660 & 23661 of 2024

1.M.Renga Rathinam

2.Vasugi

... Petitioners

Vs.

**1.The Chief Engineer,
Public Works Department (PWD),
Water Reservoir Division,
(WRD),
Subramaniapuram,
Pin:620020,
Tiruchirappalli District.**

**2.The Superintendent Engineer,
Public Works Department (PWD),
Water Reservoir Division (WRD),
Subramaniapuram,
Pin:620020,
Tiruchirappalli District.**

**3.The Executive Engineer,
Public Works Department (PWD),
Cantonment,
Tiruchirappalli-01.**



W.P.(MD)No.27897 of 2024

4.The Assistant Executive Engineer,
Public Works Department (PWD),
Sannadhi Street,
Lalgudi 621 601,
Tiruchirappalli District.

5.The Assistant Engineer,
Water Resource Department,
River Basin Division,
Lalgudi 621 601,
Tiruchirappalli District.

6.The Revenue Tahsildar,
Tahsildar Office,
Lalgudi-621 601,
Tiruchirappalli District.

7.The District Collector,
Tiruchirappalli,
Representing Government of Tamil Nadu,
District Collectors Office,
Tiruchirappalli-620001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the impugned notice dated 27.10.2024 of the 5th respondent, quash the same as illegal and consequently direct the respondents from in anyway interfering with the possession and enjoyment of suit properties by the petitioners.



W.P.(MD)No.27897 of 2024

For Petitioners :Mr.R.A.Mohanram
For Respondents :Mr.K.Balasubramani
Special Government Pleader
for R1 to R7

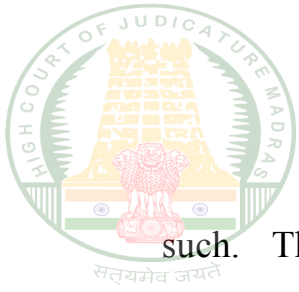
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ORDER

Heard both sides.

2. The petitioners were permitted way back in the year 1978 to put up a stone bridge so that they can access their agricultural lands. The stone bridge has been erected at a height of 7 feet. When the authorities came to dismantle the same, the petitioner filed O.S.No.55 of 2023 on the file of the District Munsif Court, Lalgudi and obtained decree that the authorities should not dismantle the bridge except by due process of law. Thereafter, the impugned Form II notice was issued. Challenging the same, this writ petition came to be filed.

3. We are of the view that the petitioners have not done anything on their own. The proceedings whereby permission has been granted has been enclosed in the typed set of papers. The petitioners have been enjoying the access facility for the last 47 years. The petitioners do not claim any right as



W.P.(MD)No.27897 of 2024

such. The only concern expressed in the counter affidavit is that when the

water level raises to the level of the stone bridge, it would be risky for the petitioners to cross the same. So long as the free flow of water has not been impeded, the subject bridge need not be dismantled. We make it clear that the petitioners have not been conferred any right as such. The petitioners are enjoying this access facility by the sufferance of the respondents. As of now, no case has been made out to interfere with the petitioners' access right. The impugned notice is set aside. The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
04.03.2025

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

1. The Chief Engineer,
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(WRD),
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W.P.(MD)No.27897 of 2024

WEB COPY

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WEB COPY



W.P.(MD)No.27897 of 2024

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rmi

W.P(MD)No.27897 of 2024

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