



W.P.(MD)No.31481 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.04.2025

CORAM

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

W.P(MD)No.31481 of 2024
and
W.M.P.(MD)No.26356 of 2024

Velu Pillai

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
at Nagercoil.
- 2.The Executive Engineer,
PWD-Water Resources Department,
Kothaiyaru Sub-Division,
Nagercoil,
Kanyakumari District.
- 3.The Sub Divisional Engineer,
PWD-Water Resource Department,
Kothaiyaru Sub-Division,
Thuckalay,
Kanyakumari District.
- 4.The Assistant Engineer,
PWD-Water Resource Department,
Kothaiyaru Sub-Division,
Thuckalay, Kanyakumari District.
- 5.Radhakrishnan

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the official respondents from demolish and removing the over bridge crossing the water channel to lead Arulmigu Shri Thiruvengada Nainar Thirukoil, Alasoodi, Kanyakumari District, based on the representations dated 21.10.2024 and 17.12.2024.

For Petitioner :Mr.Ananth C.Rajesh

For Respondents :Mr.K.Balasubramani
Special Government Pleader
for R1 to R4

: Mr.K.P.Narayana Kumar
for R5

ORDER

Heard both sides.

2. The bridge was put up over the petition mentioned water channel.

Apprehending that the authorities may dismantle and remove the same, this writ petition came to be filed. On 03.01.2025, we passed the following order:-

“Mr.K.Balasubramani, learned Special Government Pleader takes notice for respondents 1 to 4.

2. It is seen that the petitioner claims to be a trustee of the petition-mentioned temple. It appears to be an ancient one. It is also not in dispute that it has come under the purview of HR&CE Department. A channel separates the temple from the village. The petitioner has put up a bridge across the said channel. He has done so without obtaining approval from the competent authority. Therefore, the competent authority has issued notice calling upon the petitioner to remove the bridge in question.

3. Since the temple in question is an ancient one and it has also



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come under the control of HR&CE Department, we are of the view that the authority can very well consider the petitioner's application. We permit the petitioner to submit an appropriate application before the competent authority for regularising the construction already made by him. We are hopeful that the authority will take into account the relevant aspects before passing final orders. The authority will not refuse to pass final order by citing the pendency of the writ petition.”

Availing such liberty, the petitioner gave representation on 07.01.2025 to the fourth respondent. The fourth respondent forwarded the same to the second respondent on 17.02.2025. It is the second respondent who is the authority competent to grant permission. We direct the second respondent to pass appropriate order on the petitioner's application. In the event of the second respondent granting permission, he will stipulate a condition that the water flow is not in any way affected or impeded. Till the second respondent passes an order, the status quo as on date shall continue. We have not gone into the merits of the matter.

3. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
01.04.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

- 1.The District Collector,
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at Nagercoil.
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