

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN, J

Writ Petition No.31069 of 2013

T.S.Singaravelu

.. Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Divisional Engineer/
Electrical (Street lights),
Corporation of Chennai,
Zone 9, No.1, Lake view,
4th Cross Street,
Nungambakkam,
Chennai - 34.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to provide cement concrete road and street light facilities in 4th lane, Bazaar Road, Mylapore, Chennai - 4, as per the representation of the petitioner dated 18.07.2012.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.P.V.Selvakumar

ORDER

The petitioner is a resident of 4th lane, Bazaar Road, Mylapore, Chennai - 600 004. Since there is no light facilities and concrete road has not been laid by the Corporation in the said road, the petitioner had given a representation on 18.07.2012 to the respondents giving the details of the number of houses and flats located in the said street. Since, neither the petitioner's representation was considered nor the lights have been provided by the respondents, the petitioner has come before this Court.

2.Heard Mr.N.Suresh, learned counsel for the petitioner and Mr.P.V.Selvakumar, learned counsel for the respondents.

3.Though the learned counsel for the respondents would submit that the 4th lane, Bazaar Road, Mylapore, Chennai - 600 004, is a private road and it stands in the name of Kanniah lal, it is evident from the records especially, the Corporation Map prepared by the respondents would show that the 4th lane, Bazaar Road is a public road. Moreover, the information obtained by the petitioner from the first respondent under Right to Information Act on 25.04.2013, would reveal that, estimation has been prepared by the Corporation for laying cement concrete road and for erection of two Lamp Posts for 4th lane, Bazaar Road, Mylapore, Chennai - 600 004. The relevant information is extracted below:-

S.No	Petitioner Requirement	Information
1	Whether the Corporation of Chennai has made provision for laying cement road and street light facilities in Bazaar Road 4 th lane, Ward No.125, Mylapore, Chennai - 4.	Yes. Estimate prepared for laying cement concrete road and the same was sanctioned. Prepared Estimate for erection of 2 Nos. of Lamp Post for Bazaar Road, 4 th lane, Chennai - 4.
2	Whether the Corporation of Chennai had allotted specific amounts and invited bids for laying of cement road, 4 th lane, Ward No.125, Mylapore, Chennai 4.	Yes. Estimate was sanctioned for Rs.7.40 lakhs (Under Councillor ward improvement fund for the year 2012-13) along with power mill 1 st street, and 2 nd street and Sonachalam Street.
3	What is the action taken in respect of my representation dt 18/7/2012 addressed to the Commissioner, Corporation of Chennai, Rippon Buildings, Chennai, requesting to provide cement road and street light facilities in Bazaar road, 4 th lane, Ward No.125, Mylapore, Chennai 4.	Estimates sanctioned for laying cement concrete road and the work has been retendered for the sixth time. Estimates have been prepared for erection of 2 Nos of Lamp Post for Bazaar Road, 4 th Lane, Chennai 4.

4.From the above, it is very clear that, the Chennai Corporation treated the 4th lane, Bazaar Road, Mylapore, Chennai - 600 004, as a public road and, by no stretch of imagination, it can be called as private road. In view of the fact that the estimation was prepared by the respondents as early as in the year 2012-13 under the improvement fund for laying concrete road and erection of 2 Lamp Posts and

hence, the respondents have to be necessarily provide the above facilities to the said road.

5.In view of the above, the writ petition is disposed of with a direction to the respondents to lay concrete road and erect 2 numbers of Lamp Posts in 4th lane, Bazaar Road, Mylapore, Chennai - 600 004, within a period of four weeks from the date of receipt of a copy of this order failing which, the respondents shall appear before this Court on 08.10.2015. It is always open to the respondents to get police protection for execution of the above work, if necessary. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Divisional Engineer/
Electrical (Street lights),
Corporation of Chennai,
Zone 9, No.1, Lake view,
4th Cross Street,
Nungambakkam,
Chennai - 34.

3.The Section Officer,
Writ Section, High Court, Madras

+1 cc to Mr.N.Suresh, Advocate sr.47173

+1 cc to M/s.Aseena, Advocate, sr.15444 (15/10/2015)

W.P.No.31069 of 2013

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