



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2015

CORAM:

WEB COPY

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE DR.JUSTICE S.TAMILVANAN**

W.P.(MD).No.1458 of 2015

E.K.John Victor Ellis : Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.

2. The Chief Engineer,
State Highways Department,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to expand and convert the Thiruvarambu to Nagacode Junction Road as motorable by laying High quality Tar Road, based on the representation of the petitioner dated 14.11.2014.

For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by The Hon'ble The Chief Justice]

The petitioner has filed the Writ Petition seeking direction against the respondents to expand and convert the Thiruvarambu to Nagacode Junction Road as motorable, by laying High quality Thar Road, based on his representation dated 14.11.2014.

2. The petitioner has alleged that a road was laid about two years back and it is almost disappeared on account of the poor quality of laying of the road and heavy traffic, including of the State Transport Corporation Buses. Photographs have been annexed to show the condition of the road.



3. Learned Special Government Pleader for the respondents states that the representation of the petitioner has been rejected, as roads are liable to be re-laid, after three years.

4. On hearing the learned counsel for the parties, we are of the view that there cannot be any hard and fast rule that a road laid is to be re-laid only after three years, even if it practically disappears, as it is apparent from the photographs. In fact, there is a question mark on the quality of the road, if it is practically disappeared in two years time.

5. We, thus, ask the respondents to look into the matter to ensure that at least the road is repaired, properly and an enquiry held as to why the road condition deteriorated so quickly within two years and whether the contractor had performed his job to the requirements. The necessary action be taken within a period of two months from today. We make it clear that if this Court is not satisfied with the report, the matter would have to be referred to the vigilance for enquiry.

6. The Writ Petition, accordingly, stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

7. List for compliance on 13.04.2015 and the report be filed at least three days prior to the date of compliance.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Kanyakumari District, Nagercoil.

2. The Chief Engineer, State Highways Department,
Nagercoil, Kanyakumari District.

+1cc to Mr.Ananth C.Rajesh, Advocate, in SR. No.5568.

+1cc to Special Government Pleader, in SR No.5874.

Copy to: The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.
[For listing on 13.4.15 for compliance]