



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) .No.3281 of 2013

and

M.P (MD) No.1 of 2013

E.Athisayakumar

.. Petitioner

Vs.

1. The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

2. The Mayor,
Thoothukudi Corporation,
Thoothukudi.

3. The District Collector,
Thoothukudi District,
Thoothukudi.

4. The Dean,
Thoothukudi Government Medical College,
Hospital, Thoothukudi.

5. The Director,
Town & Country Planning Department,
Chennai.

.. Respondents

Writ Petition is filed Under Article 226 of Constitution of India, praying to writ of Mandamus, forbearing the Respondents 1 & 2 from constructing any compound wall on the western side of the Rajaji Park blocking the temporary road to the Thoothukudi Government Hospital from Palayamkottai Main Road till such time the proposed road along the eastern side of the Rajaji Park is laid and become functional.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 : Mr.S.Saji Bino
For R2 to R5 : Mr.M.Alagadevan
Spl. Govt. Pleader



mandamus forbearing the Respondents 1 & 2 from constructing any compound wall on the western side of the Rajaji Park blocking the temporary road to the Thoothukudi Government Hospital from Palayamkottai Main Road till such time the proposed road along the eastern side of the Rajaji Park is laid and become functional.

2. According to the petitioner, General Public for a long time using the road through Court Complex to reach the Government Hospital, Tuticorin. A six stories building was constructed for the hospital so as to accommodate 500 beds. After completion of said six stories building, the Public Works Department closed the road through Court complex.

3. On the western side of the Court complex Rajaji Park is situated. It was proposed to lay a road to a breadth of 40 feet and length of 121 feet on the Eastern side of the park. A temporary road was laid.

4. The Municipal Council of first respondent Corporation passed a resolution, dated 27.04.2005 to this effect and resolved to lay a 40 feet road. In spite of resolution passed, the first respondent not laid the 40 feet road as proposed. Now, the first respondent is constructing a compound Wall on Eastern side of the Park. By construction of such compound Wall, 40 feet road will become 10 feet road and only pedestrian can use the road and no vehicle can pass through the said road. The petitioner gave a representation to the respondents 1 and 2. In such circumstances, the petitioner has filed the present writ petition.

5. We have heard the learned counsel appearing for the petitioner and the respondents and perused the materials on record.

6. The petitioner has not stated whether first respondent has proceeded with construction of compound Wall and completed the same or not. Further, the petitioner has given representation in the year 2013 to the respondents 1 and 2.

7. Considering the facts of the case, it will be sufficient, if the first respondent is directed to consider the representation of the petitioner and pass orders. If the petitioner is still having any grievance in this regard, it is open to the petitioner to give a fresh representation to the first respondent. If such representation is given, the first respondent is directed to consider the same and pass orders on merits and in accordance with law.

8. With the above direction, the writ petition is disposed of.

Noted accordingly. Consequently, connected miscellaneous petition is also



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/True Copy/

Sd/-

Assistant Registrar (Per.Admn)

Sub Assistant Registrar

To

1. The Commissioner,
Thoothukudi Corporation,
Thoothukudi.
2. The Mayor,
Thoothukudi Corporation,
Thoothukudi.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Dean,
Thoothukudi Government Medical College,
Hospital,
Thoothukudi.
5. The Director,
Town & Country Planning Department,
Chennai.

+ 1 CC TO MR.G.PRABHU RAJADURAI, ADVOCATE IN SR NO. 47336
+ 1 CC TO MR.S.SAJI BINO, ADVOCATE IN SR NO. 46947

AM

TE/JGB-DP/ 21/09/2015 3P/8C

W.P (MD) No.3281 of 2013
and
M.P (MD) No.1 of 2013
17.08.2015