

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.21763 of 2016

S.Masanam

.. Petitioner

-vs-

1.The State of Tamilnadu,
rep. By its Secretary,
Local Administrative Dept.,
Secretariat, Fort St. George,
Chennai 600 009.

2.The State of Tamilnadu,
rep. By its Secretary,
Housing and Urban Development Dept.,
Secretariat, Fort St. George,
Chennai 600 009.

3.The Corporation of Chennai,
rep. By its Commissioner,
Ripon Buildings, Chennai 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first and third respondents to take appropriate steps to revive the storm water channel between Justice Rajamannar Salai and Ramasamy Pillai Road of K.K.Nagar, Chennai-78, as per the layout plan of Dr.Kalaingar Karunanidhi Nagar, formulated by the Tamilnadu Housing Board within stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, G.A.
For RR 1 and 2
: Mr.K.Soundararajan for R-3

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks to file the present public interest litigation on account of the complete inaction and collapse of the municipal administration in not even being able to preserve the storm water drains which have been encroached upon.

2.The contention of the learned counsel for the petitioner is that the Corporation is not even wiser after the last floods and is unable to maintain the drains. While formulating the lay out, it is submitted, there was storm water drain channels, as the area was earlier assigned as a lake and rain water from all nagars used to drain to the pond. Thus, it is actually of a case of even acting contrary to the wisdom of the earlier inhabitation and geographical composition of the area, where a pond had been provided and construction now made. In the absence of a channel between Justice Rajamannar Salai and Ramasamy Salai, there is stated to be no way for the rain water to reach the channel from Rajamannar Salai and from Arcot Road and thus, rain water flows to the roads, which is one of the reasons stated to be for flooding in December, 2015, when there was six feet water in the area.

3.The prayer, thus, made is for directions to the respondents to take steps to revive the storm water channel between Justice Rajamannar Salai and Ramasamy Pillai Road of K.K.Nagar as per the lay out plan of Dr.Kalaaignar Karunanidhi Nagar formulated by the Tamil Nadu Housing Board.

4.Learned counsel appearing for the respondent-Corporation and the learned Government Pleader have accepted notice and state that steps will be taken forthwith to ensure that the storm water drain is made functional and all impediments removed.

5.We take the aforesaid statement on record and dispose of the writ petition in the aforesaid terms. No costs.

6.List for compliance / status report, on 02.09.2016, which shall be filed at least three (3) days prior to that date.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

- 1.The Secretary
State of Tamilnadu,
Local Administrative Dept.,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Secretary
State of Tamilnadu,
Housing and Urban Development Dept.,
Secretariat, Fort St. George,
Chennai 600 009.
- 3.The Commissioner
The Corporation of Chennai,
rep. By its Commissioner,
Ripon Buildings, Chennai 600 003.

copy to:

The Section Officer
Writ Section
High Court, Madras(for listing the case
for compliance on 02/09/2016)

+1 cc to M/s.P.Thiagarajan Advocate sr.35682
+1 cc to M/s.K.Soundararajan Advocate sr.35333
+1 cc to the Government Pleader High Court
Madras sr.35374

W.P.No.21763 of 2016

aa12/07/2016