



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.08.2016
CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P (MD) .No.12075 of 2016

and

WMP (MD) .No.9198 of 2016

RM.Arun Swaminathan

... Petitioner

Vs

1.The Assistant Director of Town Panchayat,
Sivagangai, Sivagangai District.

2.The Executive Officer,
Kandanur Town Panchayat,
Sivagangai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to laying road by following the guidelines prescribed by the Indian Road Congress and after construction of proper drainage system at Mothilal Street and Perumal Kovil Sannithi Street, Kandanur Town Panchayat, Karaikudi Taluk, Sivagangai District.

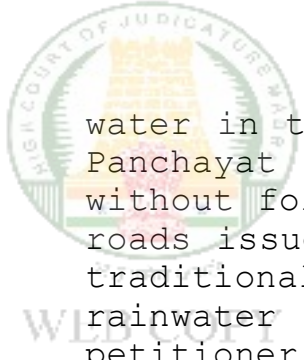
For petitioner : Mr.RM.Arun Swaminathan
party-in-person

For respondents : Mr.R.Anandharaj
Government Advocate

ORDER

This Writ Petition has been filed praying for the issuance of a Writ of Mandamus directing the respondents to laying road by following the guidelines prescribed by the Indian Road Congress and after construction of proper drainage system at Mothilal Street and Perumal Kovil Sannithi Street, Kandanur Town Panchayat, Karaikudi Taluk, Sivagangai District.

2. Mr.RM.Arun Swaminathan, party-in-Person, has submitted that "Chettinad" consists of a network of 73 villages and two towns forming clusters spread over a territory of 1550 km.Square in the District of Sivagangai and Pudukottai District. The Chettinad buildings were nominated by the UNESCO for the sites of Historic and Culture value. It is stated that the petitioner's building was constructed in the year of 1859 by following Chettinad Hertiage Construction. In the year 1995, the road was
https://hcservices.ecourts.gov.in/hcservices/ laid by the second respondent without construction of proper drainage by the second respondent which resulted in collection of entire rain



water in the petitioner's street. While so, the second respondent Panchayat has decided to lay the road in the petitioner's street without following the parameters, guidelines for drainage of rural roads issued by the Indian Road Congress. Therefore, more than 20 traditional/historical houses are going to be damaged due to the rainwater for want of drainage facilities available in the petitioner's street. As per Section 137 of the Tamil Nadu District Municipality Act, 1920, the second respondent is bound to maintain of drainages. In this regard, a representation was sent to the respondents on 26.06.2016, but no fruitful action has been taken so far, forcing the petitioner to approach this Court.

3. When the matter came up for hearing, this Court directed the learned Government Advocate to get instruction on the subject matter.

4. Mr.R.Anandharaj, after taking notice, has filed a short counter, today, from the second respondent, in which, paragraph No.3, it is averred as follows:-

"3. I hereby undertake that arrangement have been made to construct drainage and roads will be laid only after construction of the drainage in Mothilal Street, Kandanur Town Panchayat, Karaikdu Taluk, Sivagangai District. Whereas, the construction of drainage with regard to other areas, the estimate have been submitted by appropriate authorities and same will be done after getting necessary sanction from the Government. Tho this effect the undertaking affidavit has been filed."

5. In the light of the undertaking given by the second respondent, this Writ Petition stands closed. At this juncture, the petitioner submitted that the Writ Petition may be kept pending, until the respondents comply with the undertaking given before this Court. However, this Court gives him liberty to move this Court in the event of breach of the undertaking given before this Court. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1.The Assistant Director of Town Panchayat,
Sivagangai, Sivagangai District.

2.The Executive Officer, Kandanur Town Panchayat, Sivagangai.

+One cc to The Special Government Pleader, SR.No.41883

+One cc to Mr.R.M.Arun Swaminathan, Advocate, SR.No.41604

ssm

<https://hccourtsgov.in/cases/2016>

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