



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.16916 of 2016

K.A.Kailasam

... Petitioner

-vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Commissioner,
Thoothukudi Corporation,
Thoothukudi,
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents particularly the 2nd Respondent to consider the representations having been sent as from 16.11.2015 and subsequent reminders 07.12.2015 07.01.2016 19.01.2016 and 14.05.2016 for laying ramp or slope to the Petitioner's house by them at No.147-148 Palayamkottai Road Opp. to Periyar Statue Thoothukudi - 628 003 forthwith on merits and in accordance with law and dispose of the same within a time frame as stipulated by this court.

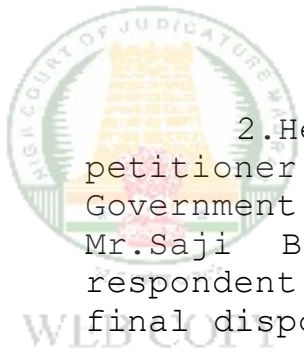
For Petitioner: Mr.S.Palani Velayutham

For R - 1 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R - 2 : Mr.Saji Bino

O R D E R

The petitioner has submitted a representation dated 16.11.2015 with subsequent reminders on 07.12.2015, 07.01.2016, 19.01.2016 and 14.05.2016, seeking permission to lay ramp or slope to the petitioner's house at No.147-148, Palayamkottai Road, Opp.to Periyar Statue, Thoothukudi.



2. Heard Mr.S.Palanivelayutham, learned counsel for the petitioner. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, takes notice for the first respondent and Mr.Saji Bino, learned counsel takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that the petitioner is a resident of the house at Nos.147-148, Palayamkottai Road, Thoothukudi. It has a frontage of 90 feet from the main road. The respondents made a scheme for drainage in the main road, leading to Palayamkottai. For that purpose, they have raised platform upto 4 feet. As the house of the petitioner is situate in the main road abutting the platform, the frontage of petitioner's house has also to be raised by four feet. So claiming, the petitioner has sent several representations.

4. The grievance of the petitioner is that even though permission has been granted to several house owners in the same street to raise the level of the frontage portion, the petitioner's representations alone have not been considered. Under such circumstances, the present Writ Petition has been filed.

5. No need to emphasise the fact that the solution to the owners of the houses abutting the main road should have been given by the Corporation itself on the day when they have chosen to raise the level of the road. That has not been done.

5.1. The petitioner has come forward to rectify the mischief having arisen, on account of the raising of the road level. That should have been positively considered.

5.2. Therefore, this Court direct that the representations of the petitioner be considered, at the earliest point of time.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Commissioner,
Thoothukudi Corporation,
Thoothukudi,
Thoothukudi District.

+1cc to Mr.S.Palanivelayuthem, Advocate SR.No.51053
+1cc to special Government Pleader SR.No.50919

mj

sm:SS2:SAR II:03/10/2016:3P/5C

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