

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P.No.15506/2017 & WMP.No.16826/2017

M.Narayanan

... Petitioner

vs

1. The Secretary
Government of Tamil Nadu
Rural Development & Panchayat Raj
Department, Fort St. George,
Chennai-9.
2. The District Collector/Chairman
District Rural Development Agency
Villupuram District, Villupuram.
3. The Project Director
District Rural Development Agency
Villupuram District, Villupuram.
4. The Executive Engineer [RD]
District Rural Development
Villupuram District, Villupuram.

5. Mr.T.V.Kumar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to remove the improper and illegal construction of bridges constructed by mixing banned gravel powder with cement and to construct new bridges and lay the road using proper and standard construction material in Pulichapallam Village, Vanur Taluk, Villupuram District and directing the 2nd respondent to monitor the entire construction work.

For Petitioner : Mr.K.Shanmugam
For R1 to R4 : Mr.M.K.Subramaniyan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition filed in the form of Public Interest Litigation, is taken up for final disposal. Mr.M.K.Subramaniyan, learned Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 Though the petitioner prays for a larger relief, this Court, after going through the materials, is of the considered view that it would be suffice to direct the 3rd respondent to consider and dispose of the petitioner's representation dated 31.10.2016 at an early date and the on-going Rural Development Project is also to be monitored by the 2nd respondent.

3 The petitioner, in the affidavit filed in support of this writ petition would aver that he has filed this writ petition as a Public Interest Litigation stating among other things that he is a permanent resident of Pulichapallam Village, Vanur Taluk, Villupuram District and the road between the said Village and Vanur is around 1.735 Kilometres and there are seven drainage channel bridges which is across the said road and the said road is a busy one as the residents of other villagers are also using the same to reach the places of Public Utility. It is further averred by the petitioner that a Branch channel along with a culvert was laid about three decades ago and it had got damaged and therefore, it was demolished and new construction is being put up. The grievance expressed by the petitioner is that the quality of the construction is shabby and also not upto the mark and in the event of rain or other natural calamities, it is likely to fall down and in this regard, the petitioner has submitted a detailed representation dated 31.10.2016 to the 3rd respondent, who vide communication dated 08.11.2016 in Na.Ka.No.A5/597/2016, has requested the 4th respondent to cause inspection and take appropriate action and in spite of the same, work is going on and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Per contra, Mr.M.K.Subramaniyan, learned Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that since the quality of construction was not up to the mark, it was ordered to be demolished and new construction is being put up and appropriate action will also be taken against the 5th respondent by putting him on notice and in accordance with law.

5 This Court, in the light of the above facts and circumstances, directs the 3rd respondent to monitor the said

work and ensure the quality of construction and also the timely completion of the same. This Court also directs the 4th respondent to act on the communication of the 3rd respondent dated 08.11.2016 and take appropriate action and the said work shall also be monitored by the 2nd respondent. The 3rd respondent shall inform about the progress of the said construction to the petitioner by sending his response within a period of four weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary
Government of Tamil Nadu
Rural Development & Panchayat Raj
Department, Fort St. George,
Chennai-9.
2. The District Collector/Chairman
District Rural Development Agency
Villupuram District, Villupuram.
3. The Project Director
District Rural Development Agency
Villupuram District, Villupuram.
4. The Executive Engineer [RD]
District Rural Development
Villupuram District, Villupuram.

+3ccs to Mr.K.Shanmugam, Advocate Sr. 44226
+1cc to the Government Pleader, Sr. 44432

SVI (CO)
VR(06/07/2017)

WP.No.15506/2017