

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 05.09.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.10540 of 2004****And****W.P.M.P.No.12321 of 2004**

G.Jesu Jabamalai

... Petitioner

Vs.

The Municipal Engineer,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari relating to the proceedings in Na.Ka.No.1852/2004/E1 dated 26.03.2004 on the file of the Municipal Engineer, Nagercoil Municipality, Nagercoil, Kanyakumari District (the respondent herein) and to quash the same.

For Petitioner : Mr.S.Subbiah

For Respondent : Mrs.K.Bhuvaneswari

Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari relating to the proceedings in Na.Ka.No.1852/2004/E1 dated 26.03.2004 on the file of the Municipal

Engineer, Nagercoil Municipality, Nagercoil, Kanyakumari District (the respondent herein) and to quash the same.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent.

3. The petitioner is the owner of the land and building bearing Door No.7-A, Raman Pillai Street, Ramavarmapuram, Nagercoil and after getting necessary permission, the petitioner has also put up construction in accordance with the sanctioned plan. Thereafter, the petitioner made a representation dated 18.02.2004 to the Commissioner of Nagercoil Municipality seeking permission to put pipeline for sewerage across the road at his costs, since the existing sewerage connection was on the opposite side of the road and also paid the necessary fee for grant of permission and also complied with the necessary conditions.

4. Thereafter, vide proceedings dated 04.03.2004, the respondent granted permission with a condition to restore the road to the original condition. Subsequently, the permission was revoked by the respondent vide order dated 26.03.2004, on the ground that the general public in and around the area made objection for cutting the

road and laying the pipelines. Hence, the petitioner has filed this writ petition.

5.This Court while entertaining this writ petition has granted interim stay. Hence, after a lapse of nearly fourteen years, I do not find that anything would survive in this writ petition for adjudication. Therefore, the writ petition is disposed of with liberty to the petitioner to approach the respondent for appropriate remedy, if the sewerage connection is not yet given. No Costs. Consequently, the connected miscellaneous petition is also closed.

05.09.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

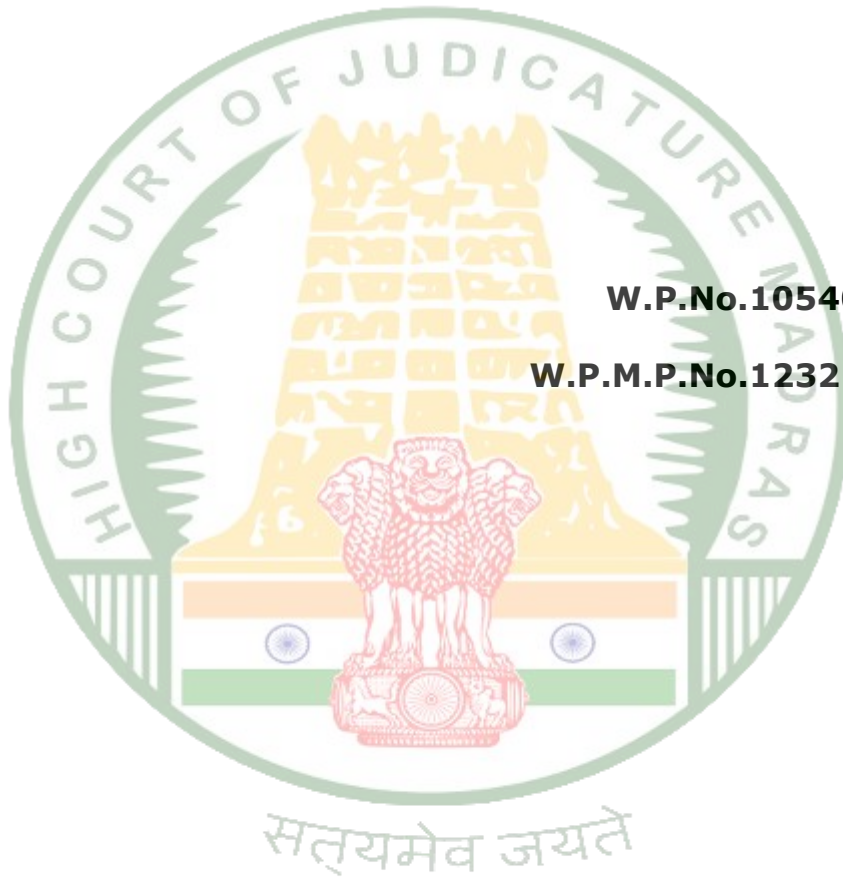
To

The Municipal Engineer,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

सत्यमेव जयते

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M.DHANDAPANI,J.



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