

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 32080 of 2004
and
W.P.M.P.No.38853 of 2004

T.Kasthuri

.. Petitioner

Vs

1. The Commissioner,
Avadi Municipality,
Avadi, Chennai.

2. The Sanitary Inspector,
Incharge of Thirumullaivoyal Area,
Avadi,
Chennai.

3. Ramalingam

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1&2 to take action on petitioner's complaints against 3rd respondent, thereby forbearing 3rd respondent from constructing septic tank at Plot No.2, 6th Street, Thendral Nagar (West), Thirumullaivoyal, Chennai - 62 within a distance of 20 feet from the Well situate at Plot No.3/1 Sixth Street, Thendral Nagar (West), Thirumullaivoyal, Chennai - 62 i.e., petitioner premises or in any manner in violation of the rules framed for the said purpose at Avadi Municipality.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.A.Zahir Hussain
Government Advocate for R1 & R2

ORDER

Hears Mr.K.Govi Ganesan, learned counsel appearing for the petitioner and Mr.A.Zahir Hussain, learned Government Advocate appearing for respondents 1 and 2.

2. The petitioner is the owner of the premises bearing Plot No.3/1, 6th Street, Thendral Nagar (West), Thirumullaivoyal, Chennai - 62. The grievance of the petitioner is that the third respondent is trying to construct a septic tank very near to petitioner's well and therefore, the petitioner has filed this writ petition for issuance of a writ of mandamus directing the respondents 1 and 2 to take action against the third respondent for his construction activities.

3. The learned counsel appearing for respondents 1 and 2 has submitted a letter of the third respondent dated 24.11.2014, in which it is stated that as of now he is not proposed to construct septic tank in the property mentioned by the petitioner and also as per the advice given by the Sanitary Inspector, he has made an alternate arrangement. Therefore, no prejudice will be caused to the petitioner.

4. In view of the same, nothing survives for adjudication in this writ petition. Hence, this writ petition is closed as nothing survives. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsm

To

1. The Commissioner,
Avadi Municipality,
Avadi, Chennai.

2. The Sanitary Inspector,
Incharge of Thirumullaivoyal Area,
Avadi,
Chennai.

+1cc to P.Srinivas, Advocate in sr.no.52840

W.P.No. 32080 of 2004

and

W.P.M.P.No.38853 of 2004

NR 23/08/2017