

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2017

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22287 of 2004

And

W.P.M.P.Nos.26983 and 26984 of 2004

B.Kothandaraman

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Chennai – 3.

2.The Secretary,
Standing Committee,
Public Health,
Corporation of Chennai,
Chennai – 3.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondents made under resolution No.138/2004, dated 24.06.2004 under proceedings No.Ma.Aa.2.Na.Ka.N.E1/1319/2004 and quash the same and consequently direct the respondents to construct a library or health club in the said place.

For Petitioner : Mr.J.Vengatesan

For Respondents : Mr.V.C.Selvasekaran for R1

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the respondents made under resolution No.138/2004, dated 24.06.2004 under proceedings No.Ma.Aa.2.Na.Ka.N.E1/1319/2004 and quash the same and consequently direct the respondents to construct a library or health club in the said place.

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

3.The case of the petitioner is that the disputed place is a toilet and since it is of no use and since it has become a dumping yard for garbage, the local residents made representation to the respondent seeking to demolish the same and to construct a library or any health club to cater the needs of the residents of that area and the second respondent had also passed a resolution to demolish the same. Thereafter, the petitioner came to know that a new resolution has been passed to demolish the existing toilet and to construct a new toilet. Aggrieved by the same, he has filed this writ petition.

4.The learned counsel appearing for the first respondent would submit that even today, the respondent Corporation has not demolished the existing toilet and it still continues to be a toilet and they have not given effect to the resolution passed at the relevant point of time.

5.Admittedly, the resolution cannot be challenged by way of a writ petition. It is only a proposal. In the present case on hand, according to the learned counsel appearing for the first respondent, the challenged resolution has not been implemented as on date. The said submission is recorded.

6.Hence, I am of the view that the prayer sought for in the writ petition cannot be granted and the writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

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23.08.2017

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

M.DHANDAPANI,J.
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To

- 1.The Commissioner,
Corporation of Chennai,
Chennai – 3.
- 2.The Secretary,
Standing Committee,
Public Health,
Corporation of Chennai,
Chennai – 3.



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