

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18629 of 2007
and
MP.NO.2 of 2007

A.Rajaram

... Petitioner

vs.

1. The District Collector,
Perambalur District,
Perambalur.
2. The Executive Officer,
Jeyankondam Municipality,
Jeyankondam,
Perambalur District.
3. The Municipal Council,
Jeyankondam Municipality,
Jeyankondam,
Perambalur District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records relating to the impugned order passed by the 2nd respondent, dated 02.05.2007 made in Na.Ka.No.306/2007/A3 and quash the same.

For Petitioner : Mr.G.Vivekanand
For Respondents 1 & 3: Mr.S.Diwakar,
Special Government Pleader

For 2nd Respondent : Mr.J.Raja Kalifulla

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O R D E R

The petitioner has come up with this Writ Petition seeking to quash the impugned order dated 02.05.2007 passed by the 2nd respondent.

2. According to the petitioner, under the "Swarna Jayanthi Scheme" sponsored by the Government, the then Executive Officer of Jeyankondam Municipality, viz. Kandasamy utilized public

funds to construct drainage commencing from his house in the same street where the petitioner lives. But, he abruptly terminated the drainage in front of the petitioner's house, leading to profuse stagnation of waste water. Though the petitioner made repeated representations to the respondents to link the drainage upto the ending point and stop waste water emanating from the said Kandasamy's house, there was no response. The grievance of the petitioner is that all of a sudden, the 2nd respondent issued an order dated 02.05.2007 to him, directing him to remove the mud alleged to have been filled by him in the drainage system. Aggrieved by the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that the petitioner never filled mud in the drainage system and has not violated any provisions of the Act, muchless the Tamil Nadu District Municipalities Act. He further submitted that the petitioner has preferred an appeal and the same is pending.

4. In reply, learned counsel appearing for the 3rd respondent submitted that after inspection by the authorities concerned, it was found that the waste water stagnating in front of the petitioner's house has flown to road only from his residence.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. No one muchless the petitioner should suffer through waste water being stagnated in front of his house. Such stagnation of waste water would cause health hazards not only to the petitioner, but also to others in the locality. After inspection, the authorities directed the petitioner to remove the mud in the drainage system, through which he has allowed drainage water flow on the road.

7. In view of the above, I find no justification in the contention of the petitioner that he has to be given an opportunity of being heard. Even assuming so, nearly 10 years have gone by.

This Writ Petition is dismissed with the above direction and observation. No costs. Consequently, connected M.P.No.2 of 2007 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

(aeb)

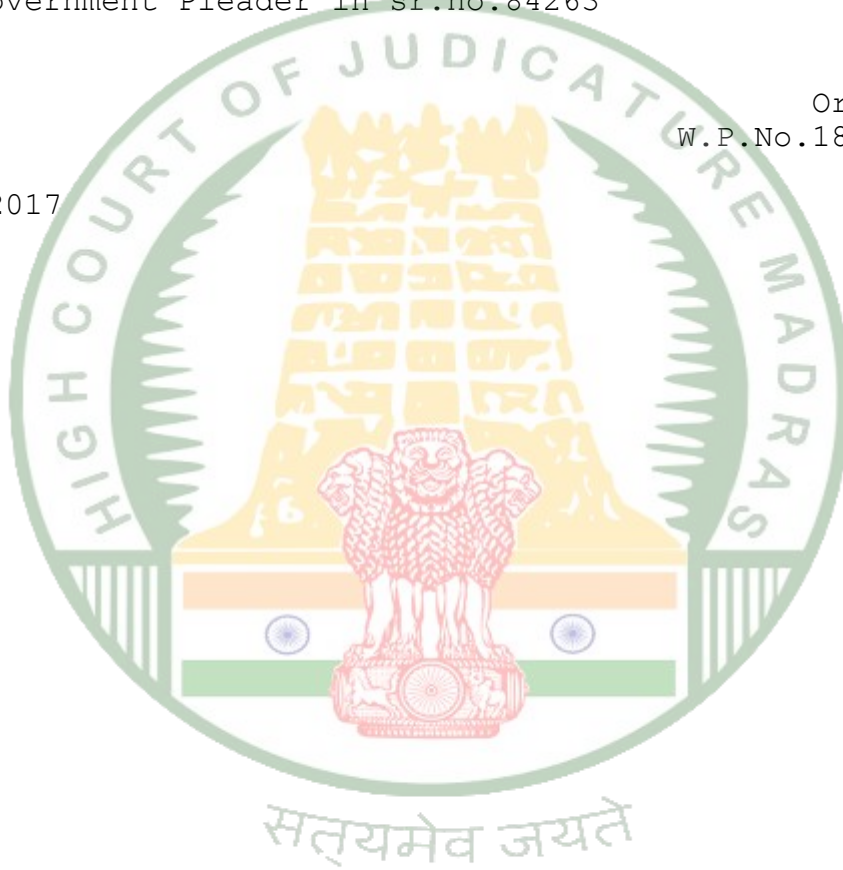
To:

1. The District Collector,
Perambalur District,
Perambalur.
2. The Executive Officer,
Jeyankondam Municipality,
Jeyankondam,
Perambalur District.

+1cc to Government Pleader in sr.no.84263

Order in
W.P.No.18629 of 2007

NR 28/12/2017



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