



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) Nos.1751 and 1752 of 2017

and

W.M.P (MD) Nos.1438 and 1439 OF 2017

Ananda Raja
Senthil Kumar

..Petitioner in W.P.(MD).1751 of 2017

..Petitioner in W.P.(MD).1752 of 2017

Vs

The Executive Officer,
Oodaipatti,
Town Panchayat,
Theni District.

..Respondent in both W.Ps

Prayer in W.P.(MD).1751 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the notice issued by the respondent in Na.Ka.No. 231/2016 dated 02.12.2016 and quash the same and consequently directing the respondent to construct main drainage or underground drainage and to maintain the drainage system.

Prayer in in W.P.(MD).1752 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the notice issued by the respondent in Na.Ka.No. 231/2016 dated 02.12.2016 and quash the same and consequently directing the respondent to construct main drainage or underground drainage and to maintain the drainage system.

In both W.Ps:

For Petitioner :Mr.M.Vivekanandan

For Respondents :Mr.T.S.Mohammed Mohideen
Additional Govt. Pleader

COMMON ORDER

Both these writ petitions are filed by individual owners of the properties, challenging the notice issued by the respondent dated 02.12.2016, wherein and whereby, the petitioners were instructed not to allow sewage water from their respective house to flow in the public street, thereby causing health hazard to the public and further by directing them to make their own arrangements to let the sewage water in a septic tank constructed by them in their property.



2.It is contended by the learned counsel for the petitioners that the petitioners have already constructed the septic tanks and therefore, the sewage water will not be allowed to flow on the public streets.

3.Therefore, this Court is of the view that there is no need for quashing of the impugned notice as the petitioners are not justified in approaching this Court, challenging the impugned notice by misconstruing the same, as though some action is taken against the petitioners.

4.Perusal of the impugned proceedings would clearly show that the petitioners were only called upon to make their own arrangements for leaving the sewage water in the septic tanks constructed by them and only in the event of not doing so or allowing the sewage to flow in the street, the impugned proceedings indicates that action will be taken against the petitioners under the relevant Act and Rules. Hence, as such, the petitioners cannot have any grievance.

5.Thus, it is seen that the writ petitions are totally misconceived. Accordingly, both the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

The Executive Officer,
Oodaipatti,
Town Panchayat,
Theni District.

+2CC to M/S.M.Vivekanandan, Advocate, SR.No. 6420, 6421
+1CC to M/S.T.S.Mohamed Mohideen, Advocate, SR.No. 5832

W.P(MD)Nos.1751 and 1752 of 2017

02.02.2017

vs
AM/SKN RSK/16.02.2017/2P/5C