



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.19058 of 2017

R.Geetha : Petitioner

-Vs-

The Commissioner,
Corporation of Madurai,
Madurai-2. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent to provide road, sewage and drinking water facilities to 25th Ward (Jai Nagar), Surya Nagar Extension within stipulated time by considering the Petitioner's representation dated 05.09.2017 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.T.A.Ebenezer
For Respondent : Mr.J.Gunaseelan Muthiah

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Mr.J.Gunaseelan Muthiah, Learned Standing Counsel, takes notice for the Respondent.

2. Heard both sides. No counter is filed on behalf of the Respondent.

3. By consent, the main Writ Petition itself is taken up for final disposal.

4. It is the stand of the Petitioner that she is residing at Jai Nagar, which is situated in 25th Ward in Madurai Corporation. The Street in Jai Nagar is only 300 Metres length. According to the Petitioner, the Street at Jai Nagar contains full of sewage in the road side and also in the empty plots. Because of the rainy season now, all rain waters got mixed up with sewage and stagnated in the road and plots. Further, the empty plot owners, in order to save their plots, are diverting the sewage water from the plots to the Street. The sewage and waste water from the houses are



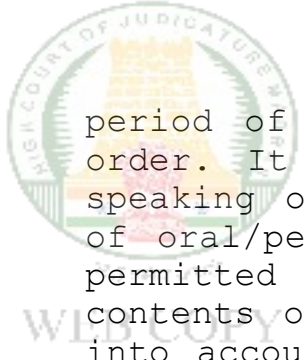
stagnating in the Street, because there is no way to trim the water in question.

5. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that one of the residents, by name Chandrasekaran, on earlier occasion, filed W.P.(MD)No.3335 of 2017 praying for issuance of direction to the Respondent to provide road facility and drainage facility in Ward No.25 (Jai Nagar) and this Court, by an order dated 27.02.2017, was pleased to direct the Respondent to take effective steps to provide road and drainage facilities in the place mentioned therein. Further, in order to comply with the order within two months, the Respondent spread granite stones in the Petitioner's Street for laying road and put red soil over the granite stones. But, till date, no sewage facility has been laid to the Petitioner's Ward. Due to the red soil over the granite stones, due to the rain now, no one can pass over the road due to the mud and sewage stagnated over the road.

6. The grievance of the Petitioner is that the Respondent has not taken any other steps to lay the Road and sewage channels. Till date, the Petitioner and others have no drinking water facility. As a matter of fact, the Respondent/Corporation is duty bound to provide road facility, drinking water facility and also sanitary facility to its people. Indeed, the State is under obligation to take healthy steps to protect the people in healthy environment. The State should also protect the people from the mosquito spreading diseases by controlling system.

7. The Petitioner has sent a representation in person on 05.09.2017 to the Respondent. Since the required facilities have not been provided by the Respondent to the people of the Petitioner's Street and also the people of the Petitioner's Street apprehend that there are no possibilities in the near future for providing the facilities in question, the Petitioner has filed the present Writ Petition.

8. Considering the limited relief sought for by the Petitioner in the present Writ Petition, viz., for passing of an order by this Court in directing the Respondent to provide road, sewage and drinking water facilities to 25th Ward (Jai Nagar), Surya Nagar Extension, within the time stipulated by this Court, by considering her representation dated 05.09.2017, this Court, without delving deep into the merits and contents of the representation of the Petitioner dated 05.09.2017 and also not expressing any opinion one way or the other, in the interest of justice, equity, fair play and even as a matter of prudence, directs the Respondent/Commissioner, Corporation of Madurai, to ~~peruse the representation of the Petitioner dated 05.09.2017 with all seriousness and earnestness and to dispose of the representation of the Petitioner as afore-stated, within a~~



period of four weeks from the date of receipt of copy of this order. It cannot be gainsaid that the Respondent shall pass a speaking order, of course, after providing necessary opportunity of oral/personal hearing and if need be, the Petitioner is also permitted to produce documentary evidence in support of the contents of her representation to the Respondent, who shall take into account the same and advert to both factual and legal pleas raised therein and pass a reasoned order, within the time adumbrated by this Court.

9. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Corporation of Madurai,
Madurai-2.

+One cc to Mr.J.Gunaseela Muthiah, Advocate, SR.No.82509

+One cc to Mr.T.A.Ebenezer, Advocate, SR.No.82581

SML

RL/4C/3P/JC/SAR1/26/10/2017

Order made in

W.P.(MD)No.19058 of 2017

Dated: 12.10.2017