



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

CORAM:

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

**W.P. (MD) No.19303 of 2017
and
W.M.P (MD) Nos.15629 & 15630 of 2017**

K.Mohamed Buhari : Petitioner

.vs.

1. The District Collector,
Madurai District, Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the Respondents to clean and maintain the Anuppanadi Vaikkal and Panaiyur Vaikkal forthwith and consequently direct the Respondents to take sincere, effective and immediate steps in Ward No.50 of Madurai Corporation free from mosquito menace and mosquito epidemic.

For Petitioner : Mr.Gangai Amaran for
M/s.Veera Associates
For R-1 : Mr.T.R.Janarthanan,
Additional Government Pleader
For R-2 : Mr.R.Murali

O R D E R

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

Heard both sides.

2. Pursuant to the directions issued by this Court to Respondent Nos.1 and 2 to file a Status Report in the subject matter in issue together with necessary photographs indicating the removal of garbage or waste materials or debris etc., from Anuppanadi and Panaiyur Channels etc., time was granted till



30.10.2017 and further, the Registry was directed to list the matter for filing Status Report together with photographs on 31.10.2017. Accordingly, the matter is listed before this Court today with the counter-affidavit being filed by the Second Respondent.

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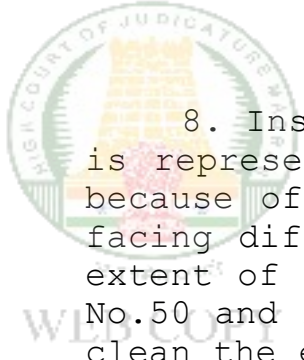
3. At this stage, the Learned Counsel for the Second Respondent/Corporation submits that the Second Respondent/Madurai Corporation had taken proper steps to clear garbage and also it had initiated effective steps to clean the Anuppanadi and Panaiyur Channels by taking all steps by using men and machine power in a war footing fashion.

4. Expatiating his contention, the Learned Counsel for the Second Respondent/Corporation proceeds to state that Panaiyur Channel is covering 5.01 KM in length and passing through Madurai Corporation Zone No.3. Likewise, the length of Anuppanadi Channel is 3.75 KM and passing through Madurai Corporation Ward Nos.50, 51 and 52. Polythene bags and waste materials are dumped in a routine manner by the public, according to the Madurai Corporation and that is the main reason for the blockage in the afore stated Channels. However, on behalf of the Corporation of Madurai, it is represented that it is taking effective steps in regularly cleaning the streets including placing bins for collection of garbage in those areas to avoid the dumping of garbage in future.

5. At this stage, the Learned Counsel for the Second Respondent brings it to the notice of this Court that pursuant to the orders of this Court, the Corporation had commenced cleaning of the Channels and continue to do the same to achieve the target of proper cleaning of the afore stated Channels.

6. It transpires from the counter-affidavit of the Second Respondent that proper steps were taken to clean the Channels and control the mosquito in Ward No.50. Besides this, it is projected on the side of the Madurai Corporation that the length of Panaiyur Channel in Ward No.50 is 750 metres and during the past one week, the Corporation had cleared 530 metres of Panaiyur Channel out of 750 metres in Ward No.50 alone and the balance of 220 metres in Ward No.50 will be cleared in due course.

7. In this regard, when a query is posed to the Learned Counsel for the Second Respondent/Madurai Corporation that what is meant by due course, the Learned Counsel for the Madurai Corporation fairly points out that within a period of two weeks from today, the remaining 220 metres would be cleared in Ward No.50 and also that, the Corporation had undertaken the cleaning of Channels in Pandara Thopy, Sungam Pallivasal, Quademilleth 4th Street, Nagoor Thopy and Obula Padithurai.



8. Insofar as Anupanadi Channel in Ward No.50 is concerned, it is represented that the same is having length of 1000 metres and because of the numerous encroachments, the Madurai Corporation is facing difficulty in cleaning the Channel and till 30.10.2017, an extent of 160 metres in length of the Channel was cleared in Ward No.50 and further, proper action was taken by conducting survey to clean the encroachments so as to effectively clean the Channel.

9. Coming to the aspect of 'Mosquito Menace' and 'Dengue Control Activities', it is projected on behalf of the Second Respondent/Madurai Corporation that the Corporation with the support of the Government and District Administration, had effectively initiated steps for the 100 Wards, Special Supervisors were appointed on adhoc basis to control the Dengue outbreak. As a matter of fact, employees of the Madurai Corporation (including the Officials) are making Door to Door campaign to sensitize the public and make them aware of, to maintain the cleanness in and around their area to avoid the 'Dengue Outbreak'.

10. Apart from the above, for the past one month, repeated inspections were made in all the areas to identify the water stagnation and appropriate steps were taken to disinfect those areas to prevent mosquito breeding. The Sanitary Inspectors are also carrying out the routine inspections to control mosquito breeding and disinfect those areas with proper pesticides.

11. In this connection, the Learned Counsel for the Second Respondent/Madurai Corporation draws the attention of this Court in W.P(MD)No.19760 of 2017 on 25.10.2017, this Court had passed orders for cleaning the afore said Panaiyur and Anuppanadi Channels and directions were issued.

12. In reality, the Second Respondent/Madurai Corporation, according to the Learned Counsel, is taking effective, efficacious and diligent steps to clean the Channels as per the directions of this Court with God Speed.

13. In view of the submissions made on behalf of the Second Respondent/Madurai Corporation and also on the basis of the averments made in the counter-affidavit filed thereto before this Court, this Court is of the considered opinion that nothing survives for further adjudication in the present Writ Petition.

14. Accordingly, the Writ Petition stands disposed of. No Costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl side)



To

1. The District Collector,
Madurai District, Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

+ 1 cc TO M/S.Veera Associates , Advocate in SR No. 84746
+ 1 cc TO Mr.R.Murali , Advocate in SR No. 84906
+1cc to The Special Government Pleader in SR.No.84647

pm

AE/MR KKR/SAR3/10.11.2017/4P/6C

ORDER MADE IN
W.P. (MD) No.19303 of 2017
31.10.2017