

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE  
AND

The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4139 of 2018  
and WMP.No.5085 of 2018

T.Raja ... Petitioner

vs.

1.The District Collector,  
Villupuram District.

2.The Deputy Director of Public Health,  
Villupuram.

3.Executive Officer,  
Sankarapuram Town Panchayat,  
Sankarapuram,  
Villupuram District.

4.Revenue Divisional Officer,  
Kallakurichi,  
Villupuram District.

5.Tahsildar,  
Sankarapuram Taluk,  
Villupuram District.

6.Inspector of Police,  
Sankarapuram Police Station,  
Sankarapuram, Villupuram District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to forthwith restore the drainage to its original permanent route running from Poottai Road through Police Station, Government Hospital and Bus Stand of Sankarapuram Town from the temporary route in Vasavi Mill Street in Sankarapuram Town Panchayat by considering

the petitioner's representation dated 12.02.2018, 14.02.2018 and on 16.02.2018 and after holding a public hearing in the affected place within a reasonable time.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.E.Manoharan,  
Additional Government  
Pleader  
for R1, R2 and R4 to R6  
Mr.S.Kamalesh Kannan,  
Government Advocate for R3

ORDER

(Order of the Court was made by Ms.Indira Banerjee,  
Hon'ble Chief Justice)

This writ petition filed by way of Public Interest Litigation is for orders on the respondent authorities to forthwith restore the drainage to its original permanent route running from Pootai Road through Police Station, Government Hospital and Bus Stand of Sankarapuram Town from the temporary route in Vasavi Mill Street in Sankarapuram Town Panchayat, upon consideration of the petitioner's representation dated 12.02.2018.

2. In the affidavit in support of the writ petition, it is stated that there was a permanent drainage route in existence within the limit of Sankarapuram Town Panchayat, besides the local police station, Government Hospital and Bus Stand from western side to eastern side of the Town Panchayat, through which the waste water released from residential areas and commercial area was running. According to the petitioner, there was a block near the bridge situated near the Police Station and Government Hospital and a temporary arrangement was made by the Town Panchayat diverting the public drainage route through Vasavi Mill Street. When the residents made objections, the Executive Officer of the Town Panchayat told them that it was a temporary arrangement till the renovation of the bridge. It is the case of the petitioner that the original drainage route has not been restored, although long time had elapsed. It is stated that the residents are suffering from health problems like malaria, viral fever, typhoid, as medical wastes from Government Hospitals are being thrown into the drainage system. According to the petitioner, about 300 families who are living in the area and are exposed to health hazards, submitted representations by raising objections.

3. This Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot determine the drainage routes, which is essentially a Governmental and Municipal function. Whether a drain should run through one route or other is entirely for the concerned authorities to decide. If objections by residents of all streets were to be taken into account, it would be impossible to have a drainage system. Therefore, this Court is not inclined to interfere with the alignment of routes of the drainage system. There can, however, be no doubt that the respondent authorities are bound to take health issues into account. There should not be open drains. Drains should be covered and waste water from hospitals etc., should be treated, disinfected before it flows into the drains.

4. Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the third respondent submits that waste water from hospitals is treated and disinfected before it goes into the drain and covering of half of the drain has almost been completed.

5. We expect that the drain will be covered within three months from date.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jvm

To:

- 1.The District Collector,  
Villupuram District.
- 2.The Deputy Director of Public Health,  
Villupuram.
- 3.Executive Officer,  
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Sankarapuram,  
Villupuram District.

4.Revenue Divisional Officer,  
Kallakurichi, Villupuram District.

5.Tahsildar,  
Sankarapuram Taluk,  
Villupuram District.

6.Inspector of Police,  
Sankarapuram Police Station,  
Sankarapuram, Villupuram District.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No.14295

+1cc to the Government Pleader, S.R.No.14796

W.P.No.4139 of 2018

SAI (CO)

RRK (24/04/2018)



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