IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.27807 of 2018

M.S.Veerappan ... Petitioner

Vs.

1. The Chairman,
   Tamilnadu Metro Water and sewerage Board,
   No.34, Kamarajar Salai, Chepauk,
   Chennai - 600 005.

2. The Executive Engineer,
   Tamilnadu Metro Water and sewerage Board,
   Project Division,
   Dr.Sankaran Salai,
   Namakkal Town -1,
   Namakkal District - 637 001. ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to take alternative route or suitable route to fixing pipe line based on the petitioner's representation dated 30.08.2018.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents: Mrs.Tamilarasi,
Standing Counsel.

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O R D E R

The writ petition has been filed to direct the respondents to take alternative route or suitable route to fixing pipe line based on the petitioner's representation dated 30.08.2018.

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2. The grievance of the petitioner is that, he is a contractor and he has been awarded with a contract for Upgradation and maintenance of three roads at Paramathi Block, and Upgradation and maintenance of three roads at Kabilarmala Block. As per the agreement after completion of Porur Construction work he has to do the maintenance work to the above said roads for 5 years, till the completion of the maintenance period, the security deposit paid by the petitioner will not be released. At this stage, now the first respondent is laying pipe lines nearby the road thereby damaging the road, and ultimately the petitioner has to carry out the maintenance and pay the charges. In such circumstances the present writ petition has been filed, directing the respondents to take alternative route for laying the pipe lines.

3. The learned Counsel appearing for the respondents on instructions would submit that, already the petitioner has approached the respondents for the same grievance and for the restoration of charges. Now 70% work is over, at this stage the alignment cannot be changed, that apart the respondents have also already paid a sum of Rs.5,98,166/- to the Kabilarmalai Panchayat Union, and the restoration works, may be done with that amount.

4. Considering the fact that the petitioner is only a contractor for maintenance of roads, it is submitted that now 70% of the work is completed, at this stage the alignment cannot be changed. Merely on the ground that the roads which are now maintained by the petitioner is likely to get damage the alignment cannot be changed. That apart according to the respondents for the restoration work already huge amount has been deposited before the respective Panchayat Union.

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5. In such circumstances, I find no merit in the writ petition. Hence the writ petition is dismissed. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
   Tamilnadu Metro Water and sewerage Board,
   No.34, Kamarajar Salai, Chepauk,
   Chennai - 600 005.

2. The Executive Engineer,
   Tamilnadu Metro Water and sewerage Board,
   Project Division,
   Dr.Sankaran Salai,
   Namakkal Town -1,
   Namakkal District - 637 001.

+1cc to Mr.S.Sithirai Anandam , Advocate SR.No.76625
+1cc to Mr. Mrs.Tamilarasi,, Advocate SR.No. 76568

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A.SK(29/01/2019)

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