



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.2800 of 2018

S.Athilakshmi

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Village Formation Road,
Kuruvikulam Panchayat Union,
Kuruvikulam - 627 754,
Thiruvengadam Taluk,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to reduce the height of the Road in Alamanayakkanpatti, A.Karisalkulam Post, Thiruvengadam Taluk, Tirunelveli District.

For Petitioner
For Respondents

: Mr.P.Subbaraj
: Mr.M.Murugan,
Government Advocate

ORDER

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

By consent, the main writ petition itself, is taken up for final disposal.

2. Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of respondents.

3. The petitioner claims that she is eking out her livelihood by doing agricultural work and she came forward to file this Writ Petition as a 'Public Interest Litigation', alleging that the second respondent started laying road in her village and it is on the already 'well laid Thar road', which is also in good condition.



4. The grievance expressed by the petitioner is that without 'Milling' the road, they started putting the gravel and mud on the road and thereby, the height of the road will get increased from that of the residences as well as the drainage located in that locality and in the event of rain or flood, the water will recede into their residences/houses and in this regard, the petitioner has submitted a representation dated 26.01.2018, to the respondents and despite the receipt and acknowledgment, no steps have been taken so far and hence, she came forward to file this Writ petition.

5. Mr.P.Subbaraj, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents, especially the photographs and would submit that the gravel has been put on the already well formed Thar road and in that event, the height of the road will get increased and in the event of rain or flood, the water will recede into the premises and in that event, the drainage will also get blocked and that, the concerned Contractor is laying the road not taking into consideration the relevant norms, in an urgent manner and therefore, the petitioner is constrained to file this Writ Petition.

6. This Court heard the submissions of the learned Government Pleader for the respondents.

7. Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representation, directs the second respondent to cause inspection of the new road being laid in Alamanayakkanpatti, A.Karisalkulam Post, Thiruvengadam Taluk, Tirunelveli District, within a period of one week from the date of receipt of a copy of this order and to see that whether before laying the new road, 'Milling' is done or not and so also ensure the compliance of norms of the Indian Road Congress, for laying a road and inform the decision taken, to the petitioner, within a period of three weeks thereafter.

10. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Block Development Officer,
Village Formation Road,
Kuruvikulam Panchayat Union,
Kuruvikulam - 627 754,
Thiruvengadam Taluk,
Tirunelveli District.

+1cc to Mr.P.SUBBARAJ,Advocate,SR.47883

W.P (MD) No.2800 of 2018
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PM
KK/SV MMS/SAR 3/20.02.2018/ 3P- 4C/