

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.07.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26386 of 2009

and M.P.Nos.1 of 2009 & 1 of 2010

Indira Nagar Residents Welfare Association,
Selaiyur,
Chennai-600 073.
Represented by its President
R.Durairaj.

...Petitioner
Vs.

1. The Secretary,
Government of Tamilnadu,
Municipal Administration,
Water Supply,
St. George Fort,
Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Nadarajan Building,
Egmore Hall,
Egmore-600 008.
- 3.The Secretary,
Chennai Metro Water Supply and Drainage Board,
Chennai 600 005.
- 4.The Secretary,
Tamil Nadu Pollution Control Board,
Guindy,
Chennai 600 0032.
- 5.The District Collector,
Kanchipuram District Collector,
Collectorate Office,
Kanchipuram.
- 6.The Executive Engineer,
Water Supply and Sewerage Board,
Krishna Nagar,
Mudichur Road,
West Tambaram,
Chennai-600 045.
- 7.The Commissioner,
Tambaram Municipality,
Tambaram West,
Chennai 600 045.

8.The Chairman,
Tambaram Municipality,
Tambaram West,
Chennai 600 045.

9.The Contractor,
Altech Engineering Pvt. Ltd.,
Represented by its Manager,
Office at No.8,
Ray Nagar Annexure,
Ramapuram,
Chennai 600 089.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from carrying out the construction of Sewerage Pumping Station in the Children Play space in S.No.374/3 A2 of Indira Nagar layout, Selaiyur, Chennai 600 073 under Underground Sewerage Project of Tambaram Municipality initiated by the 7th and 8th respondents herein.

For Petitioner :Mr.B.Doraswamy Naidu
for M/s.B.D.N.Law Associates
For RR1 and R5 : Mr.J.Ramesh,
Additional Government Pleader.
For R2 : Mr.Karthik Rajan
Panel Counsel (CMDA)
For R3 : Mr.G.Janakiraman
Standing Counsel (CMWSSB)
For R7 : Mr.P.Srinivas

O R D E R

The petitioner is the President of "Indira Nagar Residents Welfare Association" at Selaiyur, Chennai. The said Association was started during the year 1968 and rendered its service to the member's families in the nature of public cause. The said Indira Nagar is an approved layout in the year 1968 and the Residents Association has gifted roads and common space for public purpose to the Tambaram Municipality through gift deed. The said common space also includes Children Play space in Survey No.374/3 A2, 4A and 4C. While so, the respondents 7 and 8 have constructed over head water tank in the above said children play space. Aggrieved against the same, the petitioner has filed the present petition with the aforesaid prayer.

2.Heard Mr.B.Doraswamy Naidu, learned counsel for the petitioner, Mr.J.Ramesh, learned Additional Government Pleader appearing for respondents 1 and 5, Mr.Karthik Rajan, learned panel counsel for 2nd respondent, Mr.G.Janakiraman,

learned standing counsel for 3rd respondent and Mr.P.Srinivas, learned counsel appearing for 7th respondent.

3.Mr.P.Srinivas, learned counsel appearing for the 7th respondent viz.,Tambaram Municipality submitted that this court by an order dated 19.12.2019 passed an order of interim direction for a period of eight weeks. In the interim period, the 7th respondent has decided and constructed the sewerage pumping station to some other area.

4.In view of the interim direction passed by this Court and also the submission made by the learned counsel appearing for the Tambaram Municipality that the proposed site for sewerage pumping station has been changed to some other place, nothing further survives for consideration in this writ petition. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To:

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- 2.The Member Secretary,
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7.The Commissioner,
Tambaram Municipality,
Tambaram West,
Chennai 600 045.

8.The Chairman,
Tambaram Municipality,
Tambaram West,
Chennai 600 045.

9.The Government Pleader,
High Court,
Madras.

+1cc to Mr.Karthik rajan , Advocate SR.No. 62185

+1cc to Mr.P.Srinivas , Advocate SR.No. 62188

+1 cc to Government Pleader Sr.No. 62410

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vba co
A.SK(19/08/2019)

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