

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.23499 of 2019

Social Service Trust  
Rep. by its President P.Rangasamy  
No.2-A, Ramasamy Street,  
Sivaprakasam Nagar,  
Puzhithivakam, Chennai - 600 091. .... Petitioner

vs.

1. Government of Tamilnadu,  
Rep. by its Principal Secretary to Government,  
Municipal Administration and Water Supply Department,  
Fort St.George, Chennai - 600 009.

2. The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.

3. The Assistant Commissioner,  
Zone 14, Corporation of Chennai,  
Chennai - 600 091.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents herein to dispose of the petitioner's representation dated 20.11.2018 for necessary steps to, Exhibits public notice by putting up hoardings to prevent the rain water and drainage into the said vacant plots within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.J.Franklin  
For Respondents : Mr.E.Manoharan, (for R1)  
Additional Government Pleader.  
Mr.K.Soundarajan (for R2 & R3)  
Standing Counsel for Chennai Corpn.

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Contending inter alia that running water and drainage water, stagnated in vacant lands, cause not only pollution, a breeding place for mosquitoes and thus a menace, Social Service Trust, represented by its President Mr.P.Rangasamy, is stated to have made a representation dated 20.11.2018 to the Principal Secretary to the Government, Municipal Administration and Water Supply Department, Chennai, the Commissioner, Chennai Corporation, Chennai and the Assistant Commissioner, Zonal-14, Chennai Corporation, Chennai, respondents herein to take action.

2. Contending inter alia that no action has been taken on the representation, instant writ petition has been filed for issuance of a writ of mandamus, directing the respondents herein to dispose of the petitioner's representation dated 20.11.2018 and to take necessary steps to Exhibit public notice by putting up hoardings to prevent the rain water and drainage into the vacant plots within a time frame that may be fixed by this Court.

3. When Mr.J.Franklin, learned counsel for the petitioner was posed with a question as to whether there is any statutory provision for putting a notice board in the vacant land, make awareness through media and thereafter take legal action, no provision has been pointed out.

4. It is trite law that mandamus can be issued, if only there is a duty, failure to discharge and enforcement of a constitutional, statutory or a customary right, recognised under law. As such, nothing has been pointed out and prayer sought for cannot be issued. However, it is for the respondents to look into the same. Accordingly, writ petition is disposed of. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ars

To

1. The Principal Secretary to Government,  
Government of Tamilnadu,  
Municipal Administration and Water Supply Department,  
Fort St.George, Chennai - 600 009.

2. The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.

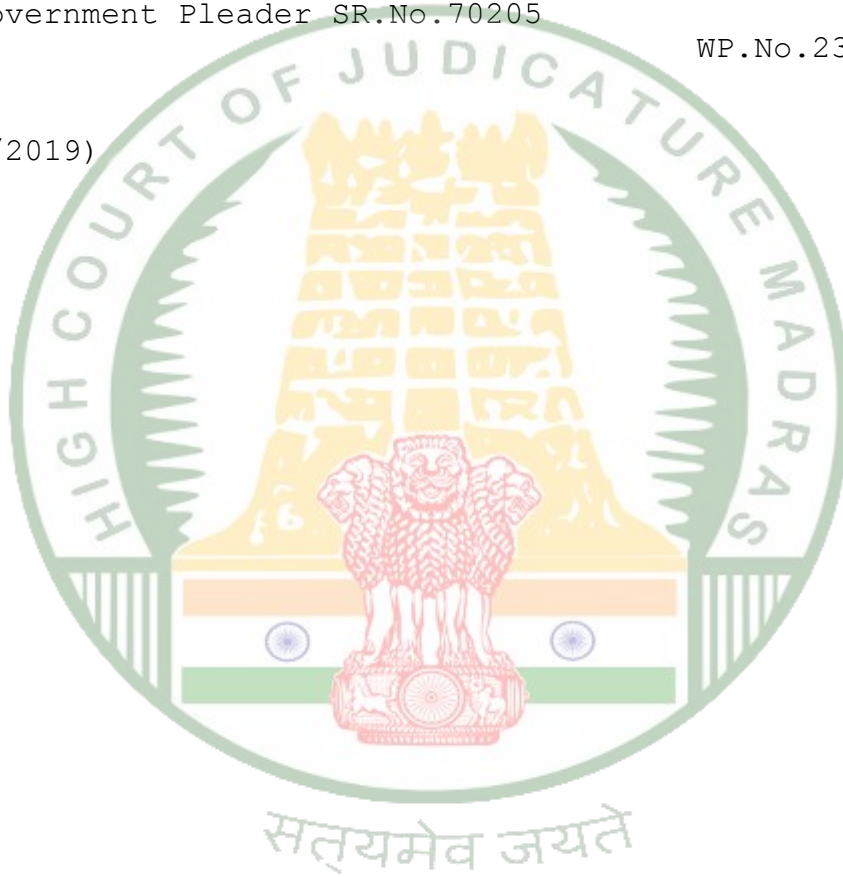
3. The Assistant Commissioner,  
Zone 14, Corporation of Chennai,  
Chennai - 600 091.

+1cc to Mr.K.Soundarajan , Advocate SR.No.70340

+1cc to Government Pleader SR.No.70205

WP.No.23499 of 2019

RSV(CO)  
GMY(09/09/2019)



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