

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.23723 of 2019
and WMP No.23583 of 2019

N.Dhandapani

... Petitioner

vs.

1. The District Collector,
Tiruppur District, Tiruppur.

2. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.

3. The Deputy Commissioner,
Zone-III, Tiruppur Municipal Corporation,
Nallur, Tiruppur,
Tiruppur District.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 24.07.2019 within a stipulated time.

For Petitioner : Ms.R.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.Akhil Akbar Ali
Government Advocate for R1
M/s.P.Shanthi for R2 & R3

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

Petitioner seemed to have sent a representation dated 24.07.2019 to the (i) District Collector, Tiruppur District, Tiruppur, (ii) Commissioner, Tiruppur Municipal Corporation, Tiruppur and (iii) Deputy Commissioner, Zone-III, Tiruppur Municipal Corporation, Nallur, Tiruppur, respondents 1 to 3,

respectively. Representation is stated to have been received on 26.07.2019. Representation dated 24.07.2019, reads thus.

"Sirs,

Sub: Request for not to permit anybody to erect Arch in

front of the bankers colony - AIBEA Nagar,
K.Chettipalayam, Dharapuram Road, Tiruppur.

I am residing in the above said address and I am submitting this representation for myself and on behalf of the public, who are residing in the Aruljothi Garden, K.N.S.Garden, Bankers Colony Extension, K.Chettipalayam and Muthanampalayam Village. In our area there is bankers colony is situated, in that entrance of the bankers colony all the village peoples using the said road to reach our respective areas and heavy vehicles like lorries, school and college buses, cars and two wheelers are using the said road in everyday, but now some of the individual persons taking severe steps to construct arch in front of the bankers colony entrance and outside the bankers colony for their personal benefits and their names, if it is constructed the heavy vehicles buses cannot use the said road and public also cannot use the said road freely and every possibility of traffic jam will occur. Hence the public request your good office not to allow anybody to construct the arch in and out the bankers colony and if they erect arch then every possibility to create law and order problem and political clash, hence we hereby request you not to give any permission to anybody to construct the arch in and out the bankers colony road."

2. Contending inter alia that the abovesaid representation has not been disposed of, within ten days from the date of receipt of the said representation, instant writ petition has been filed for a writ of mandamus, directing the respondents to consider the petitioner's representation dated 24.07.2019 and pass orders on merits, within a stipulated time.

3. Heard Ms.R.Hemalatha, learned counsel for the petitioner and perused the materials available on record.

4. Before advertng to the merits of the representation, it could be seen that before the ink is dried, instant writ petition has been filed contending inter alia that there was no action.

5. Besides, going through the representation, except to make bald averments that if the arch is constructed, vehicles cannot use the road and that the public also cannot use the road, freely and that there is possibility of traffic jam, instant writ petition has been filed praying for the relief stated supra. Averments do not satisfy the requirement of a public interest litigation, as to how construction of the arch would affect the users of road.

6. In view of the above, we are not inclined to issue any direction, as prayed for. Writ petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruppur District, Tiruppur.

2. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur, Tiruppur District.

3. The Deputy Commissioner,
Zone-III, Tiruppur Municipal Corporation,
Nallur, Tiruppur,
Tiruppur District.

+1 cc to M/s.C.Prakasam, Advocate Sr.No. 69917
+1 cc to The Government Pleader Sr.No.70207

AKM/18.09.19/3P-6C /

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