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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18/7/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.11987 and 13567 of 2017

The Residents of Somasundaram Nagar
rep. By its President
Dr.V.S.Isaac Aiyya, Akila India
Jananayaga Makkal Katchi
Vellore District.

...Petitioner in
W.P.No.11987 of 2017

D. Natarajan

..Petitioner in
W.P.No.13567 of 2017

Vs

1. The District Collector
Office of the Collectorate
Vellore District.
2. The Chief Engineer
Tamil Nadu Water Supply and Sewerage Board
No.8, 1st East Main Road
Gandhi Nagar, Vellore 631 006.
3. The Superintending Engineer
Tamil Nadu Water Supply and Sewerage Board
Sewerage Circle
Villupuram, Villupuram District.
4. The Executive Engineer
Tamil Nadu Water Supply and Sewerage Board
Sewerage Division, Arakonam 631 002
Vellore District.
5. The Regional Deputy Director of
Municipal Administration
No.10 Sarathy Nagar
Kagithapattarai
Vellore 631 012.



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6. The Commissioner
Arakkonam Municipality
Arakkonam 631 003
Vellore District.

7. The Tahsildar
Arakkonam
Arakkonam Taluk
Vellore District.

...Respondents in both the
Writ petitions

Prayer in W.P.No.11987 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus to forbear the fourth respondent from erecting the proposed septic tank at Somasundaram Nagar, contrary to the act.

Prayer in W.P.No.13567 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of certiorari to call for the records of the first respondent in his Proceedings in Na.Ka.No.P4/894/2017, dated 22/3/2017 and quash the same.

For Petitioners : Mr.V.Nithyanandam

For Respondents : Mr.E.Manoharan
Additional Government Pleader
for R.R.1, 5 and 7
Mr.R.Ganesh
for R.R.2 to 4.
Mr.P.Srinivas
for R.6.

C O M M O N O R D E R
(Order of the Court was made by S.MANIKUMAR, J)

Writ Petition No.11987 of 2017 has been filed praying for the issuance of a Writ of mandamus, to forbear the Executive Engineer, Tamil Nadu Water Supply and Sewerage Board, fourth respondent, from erecting the proposed septic tank, at Somasundaram Nagar.

2. Writ Petition No.13567 of 2017 has been filed to quash the order dated 22/3/2017, passed by the District Collector, Vellore District.

3. Heard Mr.V.Nithyanandam, learned counsel for the petitioners, Mr.E.Manoharan, learned Additional Government Pleader for the respondents 1, 5 and 7, Mr.R.Ganesh for the



respondents 2 to 4 and Mr.P.Srinivas for the sixth respondent.

4. On the basis of instructions, in Letter No.F.UGSS to AKM-Vol-X111/JDO/AKM/2019, dated 17/7/2019, issued by the Executive Engineer (A & C), TWAD Board, Sewerage Division, Arakkonam, fourth respondent, Mr.R.Ganesh, learned counsel for TWAD Board submitted that it is not a septic tank, which was proposed to be constructed, but it was construction of a sub-pumping station, at Somasundaram Nagar. Construction of Sub-pumping station, is completed, including pump set erection works and necessary power supply also obtained, on 9/1/2019. He further submitted that prayers sought for, in the writ petitions have become infructuous and prays for the dismissal of the writ petitions.

5. We have perused the letter, dated 17/7/2019, of the Executive Engineer (A & C), TWAD Board, Sewerage Division, Arakkonam.

6. Record of proceeding shows that no stay has been granted in W.M.P.Nos.12875 and 14711 of 2017 in W.P.Nos.12875 and 13567 of 2017, respectively, to restrain the Executive Engineer, Tamil Nadu Water Supply and Sewerage Board, Sewerage Division, Arakkonam, Vellore District, fourth respondent, from putting up a septic tank or sub-pumping station, as the case may be.

7. In view of the letter, dated 17/7/2019, of the Executive Engineer (A & C), TWAD Board, Sewerage Division, Arakkonam, stating that construction of a sub-pumping station has already been completed with supply of electricity. Prayers sought for by the petitioners have become infructuous. Accordingly, writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

mvs

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Office of the Collectorate
Vellore District.
2. The Regional Deputy Director of
Municipal Administration
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7. The Commissioner
Arakkonam Municipality
Arakkonam 631 003
Vellore District.

+2CCs to Mr.R.Ganesh Babu, Advocate, SR.No.61020 & 61021
+2CCs to the Govt.Pleader, Vide Sr.No.61334
+2CCs to Mr.P.Srinivas, Advocate, SR.No.61533 & 61534

Writ Petition Nos.11987 and 13567 of 2017

Kak(12/09/2019)