



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 6444 of 2018

and

W.M.P. (MD) Nos. 6256 and 6257 of 2018

M.Vijaykumar

... Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zonal Number 1,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.MA1/A3/8556/2017 dated 09.03.2018 and quash the same as illegal and unconstitutional and consequently direct the respondents to provide the drinking water connection to the petitioner's premises bearing Plot No.11, Ward No.5, Asthalakshmi nagar, Kamarajar second street, Cholan Street, Madurai.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.R.Murali

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondent corporation.

2.The writ petitioner constructed a house at plot No.11, Kamaraj Nagar, Mdaurai. He applied for being provided with drinking water connection. The Commissioner, Madurai Corporation granted him the said permission. But there after the second respondent passed the impugned order cancelling the work order on the ground that the



roads in Ashalakshmi avenue have not been handed over to the Madurai corporation.

3.I am unable to appreciate the stand taken by the second respondent. It is not in dispute that the petitioner put up his house after getting approval from the authorities. Unless proper road connection was there, approval would not have been granted. In any event, in an approved lay out, the portion earmarked as roads are deemed to vest with the local authorities.

4.Hence, the order impugned in the writ petition is quashed. The respondents are directed to provide drinking water connection to the writ petitioner's house, after the writ petitioner carrying out the works in terms of the proceedings issued by the first respondent.

5.Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Madurai Corporation, Madurai.

2.The Assistant Commissioner,
Zonal Number 1,
Madurai Corporation,
Madurai.

+1 CC to M/s.R.MURALI, Advocate in SR-59378

+1 CC to M/s.A.R.KANNAPPAN, Advocate in SR-59353

W.P.(MD)No.6444 of 2018
04.04.2019

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PK/25.04.2019 : 2P/5C