



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) .No.11680 of 2019

and

WMP (MD) No.8876 of 2019

G.Mariraj

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India issue a writ of Mandamus directing the 2nd respondent to construct open drainage channel on the southern side of the petitioner's area without disturbing the drinking water connection running on the Northern side of the petitioner's area like other areas.

For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

Heard the learned counsel appearing on either side.

2.The prayer sought for in the writ petition cannot be granted. It is open to the local authority to decide where to construct an open drainage channel and whether to shift the existing drinking water connection or not. These are not matters in which the Courts can interfere. However, the petitioner's apprehension that the drainage channel and the drinking water connection are likely to get intermingled cannot be brushed aside.

3.The learned Additional Government Pleader appearing for the respondents submitted that both have been constructed in such a manner that they are separate and independent. There will not be intermingling of the two.



4. Recording the said submission, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.8876 of 2019 is closed.

sd/
Vacation Officer

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Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti,
Madurai District.

+1 CC to Mr.SP.VIJAYNIVAS, Advocate (SR-65452[F] dated 09/05/2019)
+1 CC to Mr.J.GUNASEELANMUTHIAH, Advocate (SR-65672[F] dated
09/05/2019)

W.P. (MD) .No.11680 of 2019
09.05.2019

mj
MK/15.05.2019/2P/5C