



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **01.10.2019**
CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.17262 of 2019

S.Kalavathi ... Petitioner
Vs.

1.The District Collector,
Thirunelveli District,
Thirunelveli.

2.The Additional Director of Panchayat,
Thirunelveli District,
Thirunelveli.

3.The Executive Officer,
Thiruvengadam Town Panchayat,
Thiruvengadam,
Thirunelveli District.

4.The Tashsildar,
Thiruvengadam,
Thirunelveli District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents herein to construct the drainage channel before forming the thaar road at 45/1, NGO Colony, Thiruvengadal Town, Thiruvengadam Taluk, Thirunelveli District.

For Petitioner : Mr.B.Subbaraj
For R1, R2 and R4 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R3 : Mr.V.P.M.Vaishnav

ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.B.Subbaraj, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondent Nos.1,2 and 4 and Mr.V.P.M.Vaishnav, learned Government Advocate for the third



2.By consent of either side, this writ petition is taken up for disposal.

3.The petitioner by way of this writ petition designed as a Public Interest Litigation seeks for a direction upon the third respondent not to lay the road before forming the drainage channel.

4.We find that the prayer made by the petitioner is correct, because if the road is formed and then the road is cut for the drainage channel, then it will affect the strength of the road and ultimately, the road will have to be relayed in a short time. However, by the time, the petitioner has approached this Court already steps would have been taken to lay the road.

5.In order to find a solution, we direct the learned Special Government Pleader to get instructions from the third respondent and the third respondent had given an instruction stating that on both sides of the road, several places has been earmarked for the purpose of forming an open drainage channel. However, it appears that there is no proposal sent for formation of drainage channel.

6.In the light of the same, we direct the respondents 2 to 4 to take all steps to sanction necessary funds for the construction of the drainage channel on either side of the road and such direction should be commenced not later than 15.11.2019 and completed by 15.12.2019 subject to fulfilling major conditions.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Thirunelveli District,
Thirunelveli.

2.The Additional Director of Panchayat,
Thirunelveli District,
Thirunelveli.

3.The Executive Officer,
Thiruvengadam Town Panchayat,
Thiruvengadam, Thirunelveli District.

<https://hcservices.hcsonline.org/>



4.The Tashsildar,
Thiruvengadam,
Thirunelveli District.

+1 CC to Mr.P.SUBBARAJ, Advocate (SR-90911[F] dated 03/10/2019)

W.P. (MD) .No.17262 of 2019
01.10.2019

ns

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