



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.21129 of 2019

WEB COPY

R.Sulochana

... Petitioner

-VS-

1.The State of Tamilnadu,
Through the Secretary to Government,
Municipal Administrator,
Secretariat, Chennai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Assistant Commissioner,
Region - 4, Madurai Corporation,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondent to lay road in Ward No.93, 4th Division, Extension area of Bharathiyar Nagar, Alagappan Nagar, Madurai and also direct the Respondents to complete the construction of bridge on the drainage channel near Bharathiyar Nagar Extension by considering the Petitioner's representation dated 29.01.2019 and 11.09.2019.

For petitioner : Mr.K.Samidurai

For Respondents 1 & 3 : Mr.A.K.Baskara Pandian,
Special Government Pleader

For 2nd Respondent : Mr.T.S.Mohammed Mohideen

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.K.Samidurai, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 & 3 and Mr.T.S.Mohammed Mohideen, learned counsel appearing for the 2nd respondent.

2.By consent on either side, this Writ Petition itself is
<https://hdservices.hcds.gov.in/hdservices/> for final disposal.



3.By way of this Writ Petition, the petitioner seeks for a direction to the Respondents to lay road in Ward No.93, 4th Division, Extension area of Bharathiyar Nagar, Alagappan Nagar, Madurai and also direct the Respondents to complete the construction of bridge on the drainage channel near Bharathiyar Nagar Extension.

4.By placing reliance on the photographs, the learned counsel appearing for the petitioner would submit that already some bridge/pathway on top of drainage channel was proposed and construction was started but in midway the work was abandoned. Therefore, the petitioner wants a direction to complete the construction, which was initially proposed and abandoned in the midway.

5.From the photographs produced, it is clear that there was some construction. According to the learned counsel appearing for the petitioner, it is small cross-way across the channel. It is not known as to why it was abandoned in the midway. In any event, if it serves the public, the respondents should complete the work. We also find that the channel is fully covered waste materials, obviously the residents of the locality are responsible for the same and the petitioner is one such resident.

6.In the light of the same, the second respondent is directed to look into the matter and examine the feasibility of commencing the construction, which was stopped midway by allotting necessary funds and the channel shall be cleared and the width and length of the channel prescribed as per the revenue record shall be maintained. This order shall be complied with within three months from the date of receipt of a copy of this order. It is needless to state that if there are any encroachments the same shall be removed. So far as the request made by the petitioner to lay the load is concerned, the same will be taken by the Corporation on seniority basis.

7.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)



sj

To

1.The Secretary to Government,
Municipal Administration,
State of Tamilnadu,
Secretariat, Chennai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Assistant Commissioner,
Region - 4, Madurai Corporation,
Madurai.

+1 CC to M/s.K. SAMIDURAI, Advocate (SR-97999[F] dated 13/11/2019)

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-98050[F] dated 13/11/2019)

W.P. (MD) No.21129 of 2019
12.11.2019

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