

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.11062 of 2020

K.N.Balan ... Petitioner

vs

The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to scrap the existing road and re-lay the road without raising the height of the road in First Street, M.C.N.Nagar, Thoraipakkam, Chennai - 600 097.

For Petitioner ... Mr.R.Raman Laal

For Respondent ... Mr.R.Gopinath

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition with the grievance that attempt is being made by the respondent to scrap the existing road and re-lay it thereafter by raising the height of the road.

2.Learned counsel appearing for the petitioner submitted that the attempt is being made to put up the road over the road already in existence. Resultantly, the height will be increased and consequently the buildings on both sides will go down. As a consequence, both the rain water and storm water would get stagnated.

3.Learned counsel appearing for the respondent/Corporation submitted that the apprehension of the petitioner has got no basis and at the time of re-laying, the contractor has been directed to carry out the work by removing the layer of the road already in existence and in its place re-laying work will be done. Reliance has been made on the following paragraph, in the remarks given by the learned counsel appearing for the respondent, which reads as under:

"It is submitted that accordingly tender has been awarded to the successful bidder to relay the roads/streets and the contractor has been directed to re-lay the existing street after doing earth work. It is further submitted that the Greater Chennai Corporation will take necessary steps to re-lay existing road after carrying on the earth work, which would not increase the height of the existing road."

4. In such view of the matter, the writ petition stands disposed of by directing the respondent to see to it that the proposed work will have to be executed only after carrying out on the earthwork and by removing the surface road and in its place a new road will have to be relaid. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ssm

To

The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

+1cc to M/s.R.Ramanlal, Advocate, Sr.No.29303

W.P.No. 11062 of 2020

AJS (CO)
GS(21/10/2020)