

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.07.2020
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8806 of 2020
and WMP.Nos.10691 and 10694 of 2020

1. P.Vigneshprabu
 2. P.Kasthuri
 3. P.Amutha
 4. R.Geetha
 5. V.Amirthavalli
 6. B.Kanagarathinam
- ... Petitioners

-vs-

1. The District Collector,
The District Collector Office,
Tiruppur.
 2. The Corporation Commissioner,
Tiruppur Corporation,
Tiruppur.
 3. The Assistant Commissioner,
Zone II, Pichampalayam Puthur,
Tiruppur Corporation, Tiruppur.
 4. The Executive Engineer,
Tiruppur Corporation,
Tiruppur.
 5. The Assistant Engineer,
Zone II, Pichampalayam Puthur,
Tiruppur Corporation,
Tiruppur.
- ...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the 2nd respondent and his subordinates to construct the drainage canal on the northern side of the east west road in the 1st street of Javagar Nagar, Thiruneelakandapuram, South Thottipalayam Village of Tiruppur District in view of petitioner's representation dated 22.06.2020.

For Petitioners : Mr.M.Guruprasad
for M/s.Jana Govarthana Maheswaran
For Respondents : Mr.S.N.Parthasarathi, G.A.for R1
Mr.S.Silambanan, Senior Counsel
for M/s.P.Santhi for RR2 to 5

ORDER

This Writ Petition has been filed for issuance of a writ of mandamus directing the second respondent to construct a drainage canal on the northern side of the road by considering the representation made by the petitioner on 22.06.2020.

2. The case of the petitioner is that the Corporation Officials started laying a road and while doing so, they started constructing a drainage canal on the southern side of the road. The grievance of the petitioner is that there is encroachment on the southern side of the road and without removing the encroachment and constructing the drainage, the drainage was constructed on the southern side of the road and according to the petitioner, the drainage canal must be constructed only on the northern side. The petitioner gave a representation to that effect to the second respondent on 22.06.2020.

3. When the matter came up for admission on 06.07.2020, a request was made by the learned counsel for the petitioner that the petitioner must be permitted to discharge the waste water into the existing drainage, otherwise letting out the same will cause water logging in the road. Ms.P.Shanthi, learned standing counsel took notice on behalf of the Corporation and sought for time to get instruction.

4. Mr.Silambannan, learned Senior Counsel appearing on behalf of the respondents 2 to 5 submitted that the second respondent will consider the representation made by the petitioner and take action within the time stipulated by this Court. The learned Senior Counsel further submitted that for the present, the petitioner can let out the drainage water in the existing drainage canal.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, there shall be a direction to the second respondent to permit the petitioner to let out the drainage water to the existing drainage canal. The second respondent is further directed to consider the representation of the petitioner dated 22.06.2020 and take appropriate action in accordance with law. The said process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs
To

1. The District Collector,
The District Collector Office,
Tiruppur.
2. The Corporation Commissioner,
Tiruppur Corporation,
Tiruppur.
3. The Assistant Commissioner,
Zone II, Pichampalayam Puthur,
Tiruppur Corporation,
Tiruppur.
4. The Executive Engineer,
Tiruppur Corporation,
Tiruppur.
5. The Assistant Engineer,
Zone II, Pichampalayam Puthur,
Tiruppur Corporation,
Tiruppur.

+1 cc to M/s.M.Guruprasad Advocate sr24758

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