

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM:

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.12451 of 2020

VGP Golden Seaview Residents
Welfare rep by its Jt. Secretary
Corporation Park
Palavakkam Chennai-41

...Petitioner

vs

1 The State,
rep by its Secretary - MAWS, Secretariat
Chennai

2 The Commissioner,
Greater Chennai Corporation of Chennai
Ripon Buildings , Chennai-03

3 The Chief Engineer(General)
Storm Water Drain/ Special Projects Greater
Chennai Corporation Ripon Buildings
Chennai-03

4 The Superintending Engineer,
Storm Water Drain/ Special Projects Greater
Chennai Corporation, Ripon Buildings
Chennai-03

...Respondents

Prayer: Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from implementing Storm water Drain in VGP Golden Seaview Layout and Constructing Storm Water Ducts between ECR and Seashore in the extended area of greater Corporation of Chennai in VGP Layout of M3 Watershed component of Kovalam Basin.

For petitioner : Ms.S.P.Arthi

For Respondents: Mr.Raja Shrinivas

Standing Counsel for Corporation
(RR2 to 4)

O R D E R
(made by Dr.VINEET KOTHARI, J.)

The petitioner has filed this Public Interest Litigation against the purported policy of the respondent State for laying down of Storm Water Drains from Chennai through the area of which the present petitioner VGP Goldern Seaview layout at Palavakkam in South Chennai has its own business place.

2. The representation made by the Petitioner to the State for the said proposal is as recently as on 5 June 2020 and the present writ petition appears to be filed on 31 August 2020, without properly pursuing the said representation for taking a considered response from the State authorities.

3. The learned counsel for the petitioner Ms.S.P.Arthi, brought to our notice that there is another writ petition in W.P.No.11235 of 2020, filed by Sri Kabaleeshwarar Residents Welfare Association, which is an area nearby to the present area of the petitioner. She submitted that the representation of that case was filed in January 2019 but the State authorities did not respond so far.

4. Prima facie, we feel that the petitioner should pursue their representation first before the concerned authorities and the concerned authorities of the State should be allowed to apply their mind to the relevant situation and consider the representation in accordance with law. The Public Interest Litigation jurisdiction, in our opinion, cannot be invoked just to direct the respondent State to consider the representation of the petitioners for any grievance raised in such PIL petition. Therefore, we are not inclined to interfere with the present PIL at this stage. The petitioner as well as the Petitioner in W.P.No.11235 of 2020 shall pursue their representation before the concerned authorities of the State, and once an appropriate decision is taken in the matter, if aggrieved by the same, the petitioners may avail their legal remedies in accordance with law.

5. With this observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition in WMP No.15360 of 2020 is also dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tar

To

1 The Secretary Municipal Administration and Water Supply
Chennai-9

2 The Commissioner,
Greater Chennai Corporation of Chennai
Ripon Buildings , Chennai-03

3 The Chief Engineer (General)
Storm Water Drain/ Special Projects Greater
Chennai Corporation Ripon Buildings
Chennai-03

4 The Superintending Engineer
Storm Water Drain/ Special Projects Greater
Chennai Corporation Ripon Buildings
Chennai-03

+1 Cc to Mr.K. Raja Srinivas, Advocate sr 29602.

+1 Cc to Mr.S.P. Arthi, Advocate sr 29768.

W.P.No.12451 of 2020

MR (CO)
SP (22/10/2020)



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