



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15105 of 2020

B.A.Udaya Raja

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Municipal Corporation,
Annamaligai, Madurai.

3.The Commissioner of Police,
Madurai City,
Alagarkoil Road, Madurai.

4.The Inspector of Police (L&O)
B3, Theppakulam Police Station,
Madurai.

5.The Inspector of Police (L&O),
Keeraidurai Police Station,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to instruct the respondents to take appropriate action and to remove garbage bin and unauthorized parking of vehicles nearby construction works of marriage hall and shops by considering the petitioner's representation dated 12.10.2020.

For Petitioner

: Mr.R.Kannan

For Respondents

: Mr.C.Ramesh for R1,R3 to R5
Special Government Pleader
Mr.R.Murali for R2
Standing Counsel

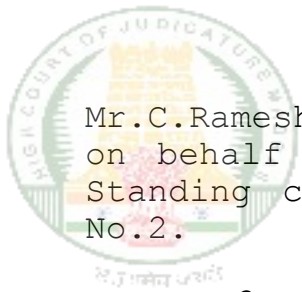
ORDER

(This petition was heard through the Video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to instruct the respondents to take appropriate action and to remove garbage bin and unauthorized parking of vehicles nearby construction works of marriage hall namely 'Jaihind Grand' and also 5 shops at door No.45/2, Old Kuyavarpalayam Road, Madurai -9.

2.Heard Mr.R.Kannan, learned counsel for the petitioner,

<https://hcservices.ecourts.gov.in/hcservices/>



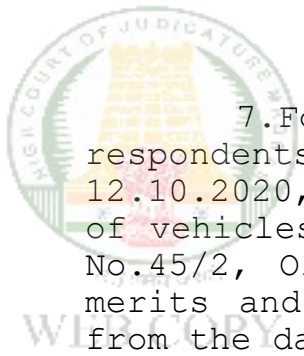
Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondents 1, 3 to 5 and Mr.R.Murali, learned Standing counsel, who accepts notice on behalf of the respondent No.2.

3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4.It is the case of the petitioner that some antisocial elements have put up a big garbage bin and are regularly parking vehicles near the above mentioned Marriage Hall. It is also the case of the petitioner that some antisocial elements have also passed urine and causing public nuisance during the day and night, creating foul smell and resulting in unhygienic conditions in that area. Hence, the petitioner has given a representation to the respondents, calling upon them to remove the garbage bin as well as to prevent un-authorized parking of vehicles near the Marriage Hall 'Jaihind Grand' at door No.45/2, Old Kuyavarpalayam Road, Madurai - 9. According to the petitioner, till date, the representation dated 12.10.2020, has not been considered by the respondents. In such circumstances, this writ petition has been filed.

5.Mr.C.Ramesh, learned Special Government Pleader, who has accepted notice on behalf of the respondents 1, 3 to 5, on instructions would submit that the respondents are prepared to prevent un-authorized parking of vehicles near the aforementioned Marriage Hall and also prepared to remove the vehicles which have been parked un-authorizedly, within a period of two weeks from this date. However, he would submit that with regard to the removal of garbage bin and maintenance of hygiene in and around the Marriage Hall 'Jaihind Grand', it is for the respondents 2 and 3 to take legal action against the culprits who are dumping waste in the said area.

6.The petitioner has given a representation to the respondents on 12.10.2020, calling upon them to take appropriate action and to remove the garbage bin as well as to prevent un-authorized parking of vehicles in and around the Marriage Hall as well as the five shops mentioned in the affidavit filed in support of the writ petition. It is for the respondents to consider the request made by the petitioner and if they find that the complaint given by the petitioner is a genuine one, take appropriate legal action for the removal of the garbage bin as well as for prevention of any un-authorized parking of vehicles in and around the Marriage Hall as well as the shops at door No.45/2, Old Kuyavarpalayam Road, Madurai - 9. No prejudice will be caused to the respondents, if the petitioner's representation dated 12.10.2020, is considered by them on merits and if they find the grievance of the petitioner is a genuine one, they will have to take action against the culprits in accordance with law.



7.For the foregoing reasons, this Court directs the respondents to consider the petitioner's representation dated 12.10.2020, for removal of the garbage bin and un-authorized parking of vehicles in and around the marriage hall 'Jaihind Grand' at door No.45/2, Old Kuyavarpalayam, Madurai - 9 and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector, Madurai District, Madurai.

2.The Commissioner, Madurai Municipal Corporation, Annamaligai, Madurai.

3.The Commissioner of Police, Madurai City, Alagarkoil Road, Madurai.

4.The Inspector of Police (L&O) B3, Theppakulam Police Station, Madurai.

5.The Inspector of Police (L&O), Keeraidurai Police Station, Madurai.

+1 CC to M/s.GP (SR-20996[F] dated 03/11/2020)

+1 CC to M/s.R.KANNAN, Advocate (SR-20879[F] dated 03/11/2020)

W.P (MD) .No.15105 of 2020
02.11.2020

CK (CO)

KK(10.11.2020) 3P 8C