



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Suo Motu W.P. (MD) No.6715 of 2018

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

.. Petitioner

Vs

1. The Principal Secretary to Government,
Municipal Administration Department,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai - 600 009.

2. The District Collector,
Madurai.

3. The Commissioner.
Corporation of Madurai,
Madurai City, Madurai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, 1. to clean the channel within the time prescribed by the Hon'ble Court; 2. to take preventive and punitive measures to control it from becoming a dumping yard; 3. To check regarding the cleanliness of the public places, periodically.

For Petitioner

: Mr.D.Sivaraman

For respondents

: Mr.V.R.Shanmuganathan,
Special Govt.Pleader,
for R1 & R2
Mr.R.Murali.
Standing Counsel for R3



ORDER

[Order of the Court was made by **The Hon'ble Chief Justice**]

Heard Mr.D.Sivaraman, learned Counsel for the petitioner, Mr.V.R.Shamuganathan, learned Special Government Pleader for respondents 1 and 2 and Mr.R.Murali, learned Standing Counsel for the third respondent.

2. The learned Standing Counsel for the third respondent has circulated a report dated 14.10.2020, which is extracted hereunder:-

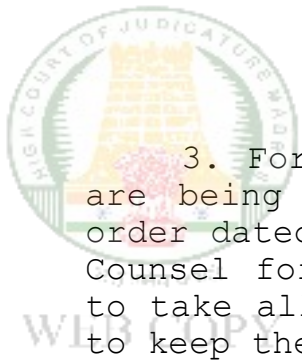
"I, S.Visakan, I.A.S., Son of Thiru.A.Shanmugiah, Hindu, aged about 50 years, working as Commissioner, Madurai Corporation, Madurai, do hereby solemnly affirm and sincerely state as follows.

1. I am the 3rd Respondent herein and as such well aware of the facts here under. I am filing this report in obedience with the directions of this Hon'ble Court dated 26.03.2018. This Hon'ble Court initiated suo motu writ petition and directed the Corporation to clean the Ponnagaram Storm Water Drain Channel and also directed to remove the dangerous wooden bridge.

2. I respectfully submit that the Channel running in Ponnagaram area is called Chainthamani Channel. The said Channel starts from Vaigai River, from the west of Madurai and flows upto Chinthamani Tank. The total length of the Channel is more than 14 Kilometers. The Corporation is periodically cleaning the Channel and also sensitizing the public not to throw any garbage inside the Channel. It is submitted that in order to prevent the pollution of channel, the Corporation had constructed a wall with the height of 6 feet on the sides of the channel to an extent of 120 meter in the thickly populated area to protect the channel.

I submit that the damaged wooden bridge was removed and the Corporation formed a paver block road with 5-meter width behind the Arapalayam Bus Stand abutting the channel and the same is in public use. The Corporation is taking all efforts to maintain the channel free of garbage in the Melaponnagaram Area by using JCB. Frequent cleaning operations are undertaken by the Corporation in obedience with the direction of this Hon'ble Court.

It is therefore prayed that this Hon'ble Court may be pleased to accept this interim report and pass such other orders as this Hon'ble Court may deem fit and thus render justice."



3. For the time being, we are satisfied that appropriate steps are being taken in order to dispel the concern expressed by the order dated 26.03.2018 and it is also stated by the learned Standing Counsel for the Madurai Corporation that the Corporation undertakes to take all possible steps in future as well, which may be required to keep the Chinthamani Channel functioning properly.

4. The writ petition is therefore closed at this stage. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj/pkn

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 Principal Secretary to Government,
Municipal Administration Department,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai - 600 009.

2. The District Collector,
Madurai.

+1 CC to M/s.R. MURALI, Advocate (SR-20242[F] dated 15/10/2020)

+1 CC to M/s.GP (SR-20493[F] dated 16/10/2020)

W.P. (MD) No.6715 of 2018
15.10.2020

na(CO)
TR(29.10.2020) 3P 5C