



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.16416 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

G.Senthil Kumar

... Petitioner

vs.

1.The State represented by
The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
State of Tamil Nadu,
Fort St.George, Chennai.

2.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram,
Ramanathapuram District.

3.The Chairman,
Ramanathapuram Municipality,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to conduct detailed enquiry with regard to the irregularities committed in constructing the building in S.No.42, Block No.1, Ward -B Periyarnagar, Ramanathapuram Municipality in Ramanathapuram District and to take necessary action against all the persons responsible for irregularities within the time stipulated by this Court.

For Petitioner	:Mr.S.Malaikani
For R1	:Mr.A.Thiyagarajan
For R2	:No Appearance

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to conduct detailed enquiry with regard to the irregularities committed in constructing the building in S.No.42, Block No.1, Ward-B, Periyar Nagar, Ramanathapuram Municipality.



2.The petitioner has filed this Writ Petition without disclosing the personal injury or grievance of the petitioner. The petitioner states that a land, which was used as a "Garbage ground" is now being cleared for putting up construction for allotment of houses to the employees of Ramanathapuram Municipality. It is further stated by the petitioner that it will be dangerous and leading to health issues, if the construction is allowed in that place.

3.The petitioner admits that the Ramanathapuram Municipality, by resolution, dated 27.03.2015, decided to construct 24 houses to be provided to the scavengers / sweepers working in the Municipality. It is stated that the petitioner came to understand that the land is not fit for any construction activities and that it will be unsafe to compel any people to reside in any house therein. The petitioner has not produced before this Court any material or expert report about the suitability of the land for the building.

4.One Mr.K.Anandkumar earlier filed a Writ Petition challenging the resolution of the Municipality and to forebear the respondents from constructing any building in S.No.42, Block No.1, Ward-B, Periyar Nagar, Ramanathapuram Municipality. The said Writ Petition was dismissed with an observation that the representation of the petitioner may be considered by the respondents. The petitioner has now filed the present Writ Petition in his individual capacity and not as a public interest litigation, but as a Writ Petition affecting his right.

5.In the entire affidavit, no personal grievance or injury is alleged by the petitioner, so as to entertain the Writ Petition. The object of the litigant appears to be to stall the construction proposed by the Municipality for extraneous reasons. This Court cannot entertain the Writ Petition of this nature. Hence, this Writ Petition is dismissed with a cost of Rs.500/- to the credit of Legal Aid Service, Attached to this Bench within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Post the matter on 28.02.2020 for reporting compliance.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
State of Tamil Nadu,
Fort St.George, Chennai.

2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram,
Ramanathapuram District.

3. The Chairman,
Ramanathapuram Municipality,
Ramanathapuram.

4. The Secretary
Legal Aid Service,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.MALAIKANI, Advocate (SR-2858[F] dated 24/01/2020)

+1 CC to Mr.A.KANNAN, Advocate (SR-2992[F] dated 24/01/2020)

+1 CC to SPL.GP (SR-3168[F] dated 27/01/2020)

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24.01.2020

VB(03.02.2020) 3P 8C