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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.23739 of 2021

S.Parthiban

.. Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Asst. Commissioner,
Corporation of Chennai,
Zone-X, Kodambakkam,
Chennai-24.
3. The Zonal Officer,
Greater Chennai Corporation,
Zone-10, Kodambakkam,
Chennai - 600 024.
4. The Executive Engineer,
Corporation of Chennai,
Zone-10, Kodambakkam,
Chennai - 600 024.
5. The Assistant Engineer,
Corporation of Chennai,
Division No.140 (Formerly 134),
Zone-10, Kodambakkam,
Chennai - 600 024.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus, direct the respondents to take appropriate action to remove the Road Side Park of 3 meters breadth out of 10 meters and 150 meters length



out of 397 meters of length at Reddikuppam road situated within Zone-X, Division No.140 of Greater Corporation of Chennai, by considering the petitioner's representation dated 28.09.2021 and 30.09.2021 within a time stipulated by this Court.

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For the Petitioner : Mr.A.Ilaya Perumal

For the Respondents : Ms.Karthikaa Ashok

ORDER

(Order of the Court was made by Hon'ble Chief Justice)

This is utterly a frivolous petition requiring the court to monitor what the width of a road should be or what the width of the pavement or walkway along the road should be.

2. The grievance of the petitioner is that there is a road side park of width of three metres out of the ten metres reserved for pavement along a long stretch on Reddikuppam Road in Zone-X, Division No.140 of the area under the Greater Chennai Corporation. The petitioner claims to have given representations to the Corporation and complains of the failure by the Corporation to deal with the same.

3. There is no doubt that the Corporation has the primacy in deciding how to design its roads and pavements. It is one thing to suggest that a particular design is flawed as it impedes access or constricts the pathway; but quite another to suggest the design to the Municipal Corporation. In particular, spaces within the concrete jungle of a city have to be kept open and certain spaces have to be maintained green. If, in the wisdom of the Corporation, it provides a narrow patch of grass between the pavement and the road or on the other side of the pavement away from the road, it is a decision which ought to be respected and the court may interfere only if it is opposed to public interest. No case of such nature has been made out in the petition.

4. It will be dangerous if the individual wishes of citizens are to be entertained and the Corporation directed to follow the same.



5. W.P.No.23739 of 2021 is dismissed. W.M.P.No.24996 of 2021 is closed.

There will be no order as to costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Commissioner,
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Chennai - 600 024.

+1CC to M/s.Karthikaa Ashok, Advocate, Sr.No.57945

+1Cc to Mr.A.Ilaya Perumal, Advocate, Sr.No.57402

W.P.No.23739 of 2021

EV (CO)

K.RK. (17.11.2021)