



WEB COPY

W.P.(MD)No.476 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.485 of 2021

and W.M.P. (MD) Nos.415 to 417 of 2021

(Through Video Conferencing)

P.Shameem Ibrahim

: Petitioner

Vs.

1.The State of Tamilnadu

Rep. by its Secretary

Municipal Administration and Water Supply Department

Fort St. George,

Chennai.

2.The Commissioner of Municipal Administration

Municipal Administration and Water Supply Department

Ezhilagam, Chennai.

3.The Commissioner of Municipality

Tenkasi Municipality

Tenkasi, Tenkasi District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to impugned resolution No.910 in File No.2291/2020/E1 dated 11.12.2020 passed by the 3rd respondent municipality and impugned E.Tendering notice in Roc.No.2291/2020/E1 dated 23.12.2020 issued by the 3rd respondent municipality and quash the same and consequently directing the respondents to proceed resolution No.910 in File No.2291/2020/E1 dated 11.12.2020 of the 3rd respondent municipality after completing the water supply improvement scheme in Tenkasi Municipality.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.K.Mu.Muthu for R1 & R2
Additional Government Pleader
Mr.P.Athimoolapandian for R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner herein is the husband of the ex-Chairman of the local body. The present *probono* litigation has been initiated by the petitioner on only one ground, namely, the proposed laying of the road would be a hindrance to the water scheme, which was contemplated earlier. In the event of the said water scheme being



implemented, subsequently road will have to be relaid. Therefore, the resolution passed followed by the tender notification are to be put on hold.

2.The learned counsel for the respondents, while attributing motive to the writ petition filed by the petitioner, submitted that the water scheme has been kept on hold. This is for the reason there is no water source, which has been found for the proper augmentation. Accordingly, no amount has been sanctioned. However, there is a need to construct the road, in any case, the entire road is not going to be relaid, but only a portion of it, in the event of the water scheme being effected subsequently. The laying of road would not take much time, as against the proposed water scheme. Thus, the writ petition will have to be dismissed.

3. From the submissions made, it appears that the water scheme has not even taken off as of now. It is not as if that scheme has been initiated and during the said interregnum, the road is sought to be laid. There is no guarantee if the scheme would come into being. The objection is raised to the availability of water source. Be that as it may, the laying of road cannot be stopped for the aforesaid purpose, as there is no material to show that it will necessarily to be relaid in the event of the water scheme, which was contemplated in the year 2018, but yet to start, being given effect to.

4. In such view of the matter, we do not find any reason to quash the resolution and the tender notification for the purpose of laying down the road. Accordingly, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 Secretary
State of Tamilnadu
Municipal Administration and

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



Water Supply Department
Fort St. George, Chennai.

2.The Commissioner of Municipal Administration
Municipal Administration and
Water Supply Department
Ezhilagam, Chennai.

3.The Commissioner of Municipality
Tenkasi Municipality
Tenkasi, Tenkasi District.

+1 CC to M/s.SPL GP (SR-939[F] dated 18/01/2021)

W.P. (MD) No.485 of 2021

Dated: 11.01.2021

PU(CO)

KB(29.01.2021) 3P 5C