



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD) .No.10293 of 2021

P.Sabeena

... Petitioner

Vs.

1.The District Collector,
Kanyakumar District.

2.The Executive Officer,
Thiruvithamcode Town Panchayat,
Kanyakumari District.

3.Haja Mohideen,
Kamalabanthi Street,
Thiruvithamcode Village,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to take action against the 3rd respondent and restrain the 3rd respondent from letting the drainage, septic, wastage water into the road affecting the petitioner's house by considering the representations dated 19.04.2021 and 07.06.2021.

For Petitioner	: Mr.M.Mohamed Riyaz
For 1 st Respondent	: Mr.M.Lingadurai, Government Advocate (Civil)
For 2 nd Respondent	: Mr.T.Subburaj Standing Counsel

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the first and second respondents to consider the representations made by the petitioners on 19.04.2021 and 07.06.2021 and take action against the third respondent for letting the drainage water in the road and thereby, polluting the entire locality.

2. When the matter was taken up for hearing on 18.06.2021, this Court passed the following order:-

Mr.M.Lingadurai, learned Government counsel, takes notice on behalf of the first respondent.

Mr.T.Subburaj, learned standing counsel, takes notice for the respondent No.2.



2.The learned Government counsel based on instructions submitted that the sewage water was not let out by the third respondent and what was let out is only the rain water.

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3.Per contra, the learned counsel for the petitioner submitted that apart from the photos filed in the typed set of papers, there is also video coverage captured through CCTV camera, where it is clearly seen that the third respondent is letting out sewage water, which is causing serious health hazard.

4.This Court questioned about the same and the learned Government counsel sought for some time to properly instruct the second respondent to take immediate action and report before this Court.

5. Post this case under the caption for admission on 28.06.2021.

3. When the matter was taken up for hearing today, the learned counsel appearing for the petitioner submitted that the video footage was handed over to the second respondent and immediately thereafter, the second respondent had conducted an inspection and from 22.06.2021 to 28.06.2021, the situation is under control and no drainage water has been let out. The learned counsel submitted that the second respondent must be directed to continuously monitor the situation to ensure that the persons belonging to the locality do not let out drainage water in the road.

4. The learned counsel appearing on behalf of the second respondent submitted that immediately after this Court directed the second respondent to inspect and to take action, necessary action was taken and it was ensured that no drainage water is let out in the road. The learned counsel further submitted that the second respondent will continuously monitor and ensure that no one lets out the drainage water and thereby, cause health hazard to the people living in that locality.

5. In view of the subsequent developments that have taken place in this case and in view of the specific stand taken by the second respondent, there shall be a direction to the second respondent to ensure that no one is permitted to let out the drainage water in the road and there shall be continuous monitoring and if anyone lets out the drainage water in open, necessary action shall be taken against them in accordance with law.



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6. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: 2. 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,
Kanyakumar District.

2.The Executive Officer,
Thiruvithamcode Town Panchayat,
Kanyakumari District.

+1 CC to M/s.MOHAMMED RIYAZ, Advocate (SR-20597[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20732[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.10293 of 2021

Dated :
29.06.2021

AS (07.07.2021) P 5C