



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.15420 OF 2021

WEB COPY

P.Sarveswaran

:Petitioner

.vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation, Madurai.

3.The Tahsildar,
Madurai South Taluk, Madurai.

4.The Executive Engineer,
Public Works Department,
(Water Source),
Pennycuick Campus,
Madurai.

5.K.Murugan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments and renovate the water harvesting canal situated in S.No.411/1, NSK Nagar, Jaihindpuram, Madurai Corporation and build a bridge for the usage of the people residing in NSK Nagar, Madurai within the time stipulated by this Court.

For Petitioner

:Mr.P.Ranjith Kumar

For Respondents

:Mr.P.Subbaraj

1,3 and 4

Government Advocate

For Respondent-2

:Mr.Athimoolapandian

Standing Counsel

O R D E R

(Order of the Court was made by **PUSHPA SATHYANARAYANA.,J**)

This Writ Petition is filed as a "Public Interest Litigation" seeking issuance of a writ of mandamus to direct the respondents 1 to 3 to remove the encroachments and renovate the water harvesting canal situated in S.No.411/1, NSK Nagar,



Jaihindpuram, Madurai Corporation and build a bridge for the usage of the people residing in NSK Nagar, Madurai within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that he is a resident of M.K.Puram Main Road, Madurai-11, which comes under the 4th Mandal, which includes Solai Alagupuram, Indhira Nagar, Mahalakshmi Kovil Street, Tirupathy Nagar, Ramamoorthy Nagar, Janaki Nagar, Bharathiyar Street, NSK Nagar 1st to 4th streets and Ramayya Street. The rain water harvesting canal passing through the above said area finally joins with a Kanmai which is situated in S.No.411/1. The above said canal which is constructed 7 years before, is now in a collapsed condition which is polluted by waste water and sewerage water let out by the industries and houses in the said locality, which causes the public health also. Some politically influenced persons encroached the main place connecting the main road with NSK Nagar Second Street by building a public toilet and the fifth respondent is collecting money from the public for the usage of the said toilet. Since the rain harvesting canal is encroached and in a debriated condition, the Petitioner has come forward with the above Writ Petition for the relief stated supra.

4.When the matter is taken up for hearing today, the learned Government Advocate appearing for the respondents 1,3 and 4 submitted that if necessary direction is issued to the official respondents, they are ready to carry out the same, within the time stipulated by this Court.

5.In view of the above said submission, this Court, without going into the merits of the claim made by the Petitioner, directs the third respondent to remove the encroachment in the water harvesting canal situated in S.No.411/1, NSK Nagar, Jaihindpuram, Madurai Corporation and the fourth respondent is directed to restore the above said canal and maintain the same properly. The above said exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this Order.

6.With the above directions, the Writ Petition stands disposed of. No costs.

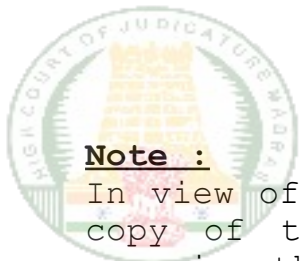
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Tahsildar,
Madurai South Taluk,
Madurai.
- 4.The Executive Engineer,
Public Works Department,
(Water Source),
Pennycuick Campus,
Madurai.

+1 CC to M/s.P.RANJITH KUMAR, Advocate (SR-33827[F]
dated 09/11/2021)

ORDER MADE IN
W.P (MD) NO.15420 OF 2021
08.11.2021

PS (CO)
GC/NS (22.11.2021) 3P 6C