



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.24127 of 2018

and

W.M.P. (MD) No.21824 of 2018

P.A.Ramasubramania Raja

: Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam,
Chennai.

2.The District Collector,
Virudhunagar District.

3.The Commissioner,
Rajapalayam Municipality,
Rajapalayam.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the 3rd respondent from constructing a Micro Compost Centre in the residential area of Madasamy Koil street, particularly, at the eastern portion of 60 feet main road, situated in Ward - B, Block - 8, in T.S.No.31, Rajapalayam Town.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader
for R.1 & R.2

Mr.N.Dilip Kumar,
Standing Counsel for R.3

ORDER

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

The petitioner has come forward to file this writ petition for a writ of mandamus forbearing the respondents from constructing a Micro Compost Centre in the residential area.

2. The learned Counsel appearing for the petitioner submitted that the place, in which the centre is sought to be constructed, is classified as a 'Kalam'. It is also been used as a road. By the



proposed construction, the public interest would be affected. It is further submitted that though an order has been passed by this Court to consider the alternative place, no decision has been taken by the respondents in this regard.

3. The learned Standing Counsel appearing for the third respondent submitted that though the classification is 'Kalam', it has not been used as such. The ingress and egress is not disturbed. There are sufficient place for doing so. This is a scientific process, which would be beneficial to the locality. The petitioner is having his house nearby and that is the reason why, he has filed this writ petition. Thus, the writ petition has to be dismissed, especially when the alternative site, as suggested by the petitioner, is found to be not suitable.

4. We do not find any merit in the writ petition. From the map produced, we find that there is already a public toilet in the place, which is earmarked for the construction. The petitioner cannot seek a mandamus as a matter of right. The place in question is not used as a Kalam. From the map, we also find that there are sufficient space available for the road to be used. Considering the overall public interest involved, the objection raised by the petitioner deserves to be rejected.

5. In fine, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Commissioner of Municipal Administration,
Ezhilagam, Chennai.

2.The District Collector, Virudhunagar District.

3.The Commissioner, Rajapalayam Municipality, Rajapalayam.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-5694[F] dated 17/02/2021)

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