



W.P.No.29402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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S.Udhayakumar

.. Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Municipal Administration and Water Supply Department
St. George Fort, Chennai – 600 009.
2. The Secretary to Government of Tamil Nadu
Highway Department
St. George Fort, Chennai – 600 009.
3. The Secretary to Government of Tamil Nadu
Rural Development and Panchayatraj Department
St. George Fort, Chennai – 600 009.
4. The District Collector
Ranipet District.
5. The Executive Engineer
Highway Department
Thiruvannamalai.



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6. The Divisional Engineer
Highway Department
Walajapet, Ranipet District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 6 to reduce the height of the drainage line after proper milling works at Thimiri Road (Kulalur Street), Kavanur Village, Arcot Taluk, based upon the petitioner's representation dated 18.10.2022.

For the Petitioner : Mr.M.J.Sundar

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

Mr.S.Udhayakumar, son of Seenivasan, a resident of No.10, Bajanaik Kovil Street, Kavanur, Ranipet, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 6 to reduce the height of the drainage line after proper milling works at Thimiri Road (Kulalur Street), Kavanur Village, Arcot Taluk based on the representation of the petitioner dated 18.10.2022.



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2. Learned counsel appearing for the petitioner submitted that respondents 4 and 5 have commenced the work of laying drainage line at Kulalur Street by digging pit measuring 5 feet depth and 5 ½ feet width and planned to lay drainage line up to 250 metres length. When number of houses are situated in Kulalur Street, respondents 4 and 5 have erected iron rods above the existing road level and they wantonly avoided to dig pits in front of two politically influential persons, who had already encroached more than 5 feet upon the said road and have created curve shaped drainage in front of their houses.

3. Learned counsel for the petitioner further submitted that although the official respondents have inspected the street in question before commencement of the drainage work, without removing the encroachments, they allowed the contractor to lay the drainage line cutting across the centre area of the road favouring the encroachers. Aggrieved over the same, the villagers have submitted a representation on 18.10.2022 to the respondent authorities to rectify the improper laying of drainage line and to lay



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the road after doing proper milling and removal of encroachments in Kulalar Street. Since no response was forthcoming from the respondent authorities, the petitioner has filed the present writ petition.

4. The only grievance made by the petitioner is that respondents 4 and 5 ought not to have laid the drainage line above the road level and it should be below the road level. Therefore, a direction may be issued to the respondent authorities to reduce the height of the drainage line after proper milling works.

5. In reply, learned State Government Pleader appearing for the respondents, placing on record the written instructions dated 7.11.2022 received from the sixth respondent, submitted that the allegation made by the petitioner that the drainage works commenced by respondents 4 and 5 is causing nuisance to the residents of Kulalar Street is incorrect and that after receiving the complaint from the villagers, the height of the drainage has been reduced and the drainage line was laid equivalent to the road.



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Learned State Government Pleader also produced colour photographs to show that the work of laying drainage line was completed.

6. It is also the submission of learned State Government Pleader that milling works will apply only to Corporation, Municipality and Town Panchayats. Since the road in question comes under Kavanur Panchayat, there is no necessity for doing milling work on it. However, he would submit that necessary care will be taken while re-laying a new road.

7. On a perusal of the photographs produced by learned State Government Pleader, we find that the drainage line on one side of the road has been rightly laid by the respondent authorities and we do not find any fault with the same.

8. Coming to the plea of the petitioner that drainage line should be laid after proper milling work is concerned, in the written instructions dated 7.11.2022 of the sixth respondent, it has been



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stated that since the road in question comes under Kavanur Panchayat, there is no necessity for doing milling work on it. We find some force in the said submission made by learned State Government Pleader.

9. Since the work for laying drainage line at Kulalur Street, Kavanur Village has been completed, we do not find any merit in the writ petition. However, while re-laying a new road, if any, due care should be taken by the authority concerned.

10. With the above observation, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.28724 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
08.11.2022

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