



WP.No.30165 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.30165 of 2022

Rama Moorthy

... Petitioner

Vs

1. The District Collector,
Thirupathur Collectorate, Government Garden,
Villupuram District.
2. The Municipality Commissioner, Jolarpet,
Natrampalli Main Road, Jolarpet,
Thirupathur District – 635 851.
3. The Executive Engineer, Jolarpet,
Natrampalli Main Road, Jolarpet,
Thirupathur District – 635 851.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the second and third respondents to take appropriate action to remove the stagnant sewage water accumulated on the agricultural fields in Survey No.17/3 and adjacent roads in Thirupathur District, Jolarpet Municipality and for consequential Orders.



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WP.No.30165 of 2022

Petitioner : Mr.B.Barani Bharathi
for V.Raghavachari

Respondents : Mr.N.Naveenkumar
Government Advocate – R1 & R3

Mr.P.Srinivas – R2

ORDER

This Writ Petition has been filed to direct the second and third respondents to take appropriate action to remove the stagnant sewage water accumulated on the agricultural fields in Survey No.17/3 and adjacent roads in Thirupathur District, Jolarpet Municipality and for consequential Orders.

2. It is the grievance of the petitioner that sewage water along with excess rain water had over flown on to the agricultural field of the petitioner and it has not been cleared by the second and third respondents and hence seeks a direction as stated above.

3. The learned counsel appearing for the second respondent filed a counter affidavit wherein it has been stated as follows :



WP.No.30165 of 2022

WEB COPY

“2. The petitioner's lands are in low lying area near the developed area by name New Colony. There are several channels in the area and they carry the surface run-off from the lands including the New Colony. The said channels are serving as nearby water bodies that were used in agriculture. Due to the urbanisation, the agricultural lands have been converted into houses and the channels have now become carriers of surface run-off during rains.

3. In view of the development of the lands into house sites, the water that flows from one of the water bodies in a higher level to the next water body in the downstream passes through the channels and following the contours of the land the water stagnates in some parts before flowing to the lower levels.

4. The Petitioners lands is situated in northern side of the New Colony and the flow of the water in the surface is towards the north and in the regular course the water enters lands of the petitioner due to the heavy flows during rainy seasons.

5. In view of the objections raised by the petitioner and also due to the fact that the rain water used to stagnate in the private properties due to flooding, the Respondent has drawn up a project at the cost of Rs 13.40 Lakhs for the construction of Storm Water Drains to prevent the stagnation



WP.No.30165 of 2022

WEB COPY

of the water and for the free flow of the water to the next downstream water body.

6. Accordingly the Municipal Council of Jolarpet Municipality has passed Resolution No 195 Dated 30-11-2022 for the construction of the a Storm Water drain in the New Colony area in Ward No 04, Jolarpet Municipal area to connect the same with the Storm Water drain in the Bajanai Koil Street in Solaiyur area.

7. Pursuant to the same, the proposal for the approval of the Director of Municipal Administration was submitted on 06-12-2022 seeking for administrative sanction for the project. The urgency of the request for the approval has also been indicated while addressing the Director Municipal Administration, Chennai- 28.

8. On receipt of the Administrative Sanction, the Tender for the said construction work will be issued and the Tender requirements will be followed and the work order will be issued for the construction.

9. It is therefore submitted that the work of construction of the Storm Water drain will ensure that there will not be any flow of the run-off water into the lands of the petitioner and the petitioner's problems will be solved.”



WP.No.30165 of 2022

WEB COPY

4. In such view of the matter, the second respondent is directed to pursue the construction of Storm Water Drain without any further delay immediately after administrative sanction is granted. In the meanwhile, till the Storm Water Drain is constructed, the respondent shall once in a month shall pump out the Sewage water accumulated in the petitioner's land.

5. With the above directions, this Writ Petition is disposed of. No costs.

21.12.2022

vrc

To

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Villupuram District.
2. The Municipality Commissioner, Jolarpet,
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Thirupathur District – 635 851.
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WEB COPY



WP.No.30165 of 2022

N.SATHISH KUMAR, J.

VTC

WP.No.30165 of 2022

21.12.2022