



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.05.2022**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) .No.9348 of 2022

and

W.M.P. (MD) No.6709 of 2022

WEB COPY

K.Radhakrishnan

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai - 9.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

3.The Regional Director of Municipal Administration,
294, Melakal Salai,
Kochadai, Madurai - 16.

4.The Commissioner of Municipality,
Oddanchathiram Municipality,
Palani Road,
Oddanchathiram, Dindigul - 624 619.

5.The District Collector,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondent No.4 to scrap the existing layer of road before relaying of roads in the locality of Suriya Garden situated in 2nd Ward of Respondent No.4 Municipality and not to carry out the road works without scrapping the existing road in accordance with the Judgment of this Court in W.P.No.4913 of 2018 dated 09.03.2018.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.D.Ganthi Raj
	Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus, directing the respondent No.4 to scrap the existing layer of road before relaying of roads in the locality of Suriya Garden situated in 2nd Ward of Respondent No.4 Municipality and not to carry out the road works without scrapping the existing road in accordance with the Judgment of this Court dated 09.03.2018 passed in W.P.No.4913 of 2018.



2.The petitioner is the resident of Suriya Garden located in the 2nd Ward of Oddanchathiram Municipality, Dindigul District. Now, the Municipality has proposed to relay the road out of the Municipality Funds. The Contractors who are awarded with the works are trying to lay the road upon the existing road which will cause serious hardship to the people. This Court, in a similar case, in W.P.(MD)No.4913 of 2018, by order dated 09.03.2018, held that the respondent authorities shall ensure that the directions to the Contractors to properly scrap the existing road before relaying the road are strictly complied with by regular supervision and inspections while the roads are under construction. Therefore, he made a representation, dated 29.04.2022, to the respondents requesting to scrap the existing layer of road before relaying of roads in the locality of Suriya Garden situated in 2nd Ward of Respondent No.4 Municipality and not to carry out the road work without scrapping the existing road in the light of the order passed by this Court in W.P.No.4913 of 2018 dated 09.03.2018.

3.The learned counsel appearing for the petitioner submits that it would be suffice, if the respondents are directed to consider the representation given by the petitioner on 29.04.2022 within a specified period.

4.Heard the learned Special Government Pleader appearing for the respondents.

5.Considering the limited prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 29.04.2022, in the light of the Judgment of this Court dated 09.03.2018 passed in W.P.No.4913 of 2018 within a period of one week from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to the Government,
Department of Municipal Administration and Water Supply,
Fort St. George,

<https://hcservices.cseports.gov.in/hcse/0ices/>



2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

3.The Regional Director of Municipal Administration,
294, Melakal Salai,
Kochadai, Madurai - 16.

4.The Commissioner of Municipality,
Oddanchathiram Municipality,
Palani Road,
Oddanchathiram, Dindigul - 624 619.

5.The District Collector,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-23517[F] dated
06/05/2022)

+1 CC to M/s.SPL.GP (SR-23584[F] dated 09/05/2022)

Order made in
W.P.(MD) .No.9348 of 2022
Dated: 05.05.2022

RS (25.05.2022) 3P-8C