



W.P(MD)No.683 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.683 of 2023

and

W.M.P.(MD)No.682 of 2023

J.Merlin Selvarani

... Petitioner

Vs.

1.The Commissioner,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Madurai - 625 002.

2.The Executive Engineer,
East Zone,
Madurai Municipal Corporation,
Anaiyur, Madurai - 625 017.

3.The Assistant Engineer,
Ward No.11,
Madurai Municipal Corporation East Zone,
Anaiyur, Madurai - 625 017.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 03.01.2023 of the petitioner praying to install the underground drainage system in the middle of the road.



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For Petitioner : Mr.A.John Vincent

For Respondents : Mr.S.Vinayak,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner's grievance is that the respondent corporation instead of installing underground drainage system in the middle of the road, it is endeavouring to install pipes adjacent to her residence. It is his contention that under namakku naame scheme, a drainage system for the welfare of the residence of the street was installed some 15 years back. It is presently not in use. Therefore, according to the petitioner, the drainage system under the smart city project can as well replace the earlier drainage pipes. That would be in the interest of all the residence. That is the contention of the petitioner.

3.I do find considerable force in the petitioner's counsel's contentions. But there is only one difficulty for the Writ Court. It is not for the Writ Court to direct the authorities as to how to and where to lay underground drainage pipes. These are essentially matters that are decided by the executive. In such



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matters, the Court has to defer to executive wisdom. The only direction that can be passed now is that when the respondents lay the underground drainage system, the structural stability of the petitioner's residence should not in any way be affected. The respondents are bound to bear the same in mind. Likewise, in future, when repairs and maintenance works are carried out, it shall be done without causing needless inconvenience or nuisance to the writ petitioner.

4. With these observations and directions to the respondent corporation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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