



W.P.(MD) No.9057 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.9057 of 2023

K.Raju

... Petitioner

-vs-

- 1.The District Collector
Virudhunagar District
Virudhunagar
- 2.The Tahsildar
Taluk Office
Aruppukkottai
Virudhunagar District
- 3.The Superintending Engineer
Virudhunagar Electricity
Distribution Circle
TANGEDCO
Virudhunagar
- 4.The Assistant Executive Engineer
TANGEDCO, Aruppukkottai
Virudhunagar District



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5. The Block Development Officer
Panchayat Union Office
Aruppukkottai
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the lamp post laid in the waste water drainage channel for the welfare of the general public living in Mullai Street, Jeyaram Nagar, Aathipatti, within the limit of Aruppukkottai Taluk, Virudhunagar District, by considering the petitioner's representation dated 27.01.2023, within the time stipulated by this Court.

For Petitioner : Mr.P.Ranjith Kumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1, R2 & R5
Mr.S.Deenadhayalan for R3 & R4

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1, 2, & 5 and Mr.S.Deenadhayalan, learned counsel, takes notice for the respondents 3 & 4.



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2. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue a writ or order or direction in the nature of WRIT OF MANDAMUS to direct the respondents 1 to 4 to remove the lamp post laid in the waste water drainage channel for the welfare of the General Public living in Mullai Street, Jeyaram Nagar, Aathipatti within the limit of Aruppukkottai Taluk, Virudhunagar District by considering the petitioner's representation dated 27.01.2023 within time frame that may be stipulated by this Hon'ble Court and pass such further orders under the circumstances of this case and thus render justice.”

3. While the grievance of the petitioner is that the drainage has been completely blocked by the respondent – TANGEDCO by placing an electricity pole in it, the photographs produced by the learned counsel appearing for the respondent – TANGEDCO show that only a very minor portion of the lamp post is inside the drainage. He would also add that the pole that was there was damaged and therefore, it was replaced with the present one.



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4. Considering the fact that the major portion of the drainage is left open unencroached, we do not think that we can entertain this writ petition. Hence, this writ petition fails and it is accordingly dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

19.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Taluk Office,
Aruppukkottai,
Virudhunagar District.
- 3.The Block Development Officer,
Panchayat Union Office,
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