



W.P.(MD) No.15586 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**W.P.(MD) No.18532 of 2023
and WMP(MD) No.15367 of 2023**

R.Manibharathi

... Petitioner

Vs

1. State of Tamil Nadu Represented by,
The Principal Secretary,
Public Work Department, State of Tamil Nadu,
Fort St.George, Secretariat,
Chennai 600 009.

2. The District Collector,
Office of the District Collector,
Madurai District.

3. The Commissioner,
Corporation of Madurai,
Arignar Anna Maligai,
Thallakulam, Madurai.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to repair the battery operated vehicles, which are in non-working condition and to ensure that all battery operated vehicles are in running condition for the purpose of door-to-door garbage collection in Madurai Corporation, consequently direct the respondents to set up one Maintenance Unit for repairing the battery-operated vehicles in all the five zones of Madurai Corporation, in accordance with the time stipulated by this Court.

For Petitioner : Mr. R.Alagumani

For Respondents : Mr.P.Thilakumar (R1 and R2)
Government Pleader

Mr.S.Vinayak (R3)
Standing Counsel

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.R.Alagumani, learned counsel for the petitioner, Mr.P.Thilakkumar, learned Government Pleader for the respondents 1 and 2 and the learned counsel for the respondent No.3.



W.P.(MD) No.15586 of 2023

WEB COPY

2. The learned counsel for the petitioner submits that the corporation has deployed 509 battery operated vehicles for door to door garbage collection. The petitioner obtained information under Right to Information Act, 2005, and came to know that out of 509 battery operated vehicles, 257 of that are under repair, which cost around Rs.4,57,46,000/-. The petitioner requested the respondents 1 and 3 to rectify the battery operated vehicle and to see that 509 battery operated vehicles are in running condition. However, the representation of the petitioner is not attended to.

3. We had heard the matter on 30.08.2023 and asked the learned counsel for the Corporation to file a report.

4. The learned Advocate for the corporation has filed a report and submits that as on date, except 49, all other vehicles are under operation and functional and are being used for door to door garbage collection. 49 vehicles are not in operation because of the batteries. The Corporation has decided to float tender for purchasing the batteries and as soon as the tender process is over, the repaired non functional battery operated vehicles will be put to use at the earliest.



W.P.(MD) No.15586 of 2023

According to the learned counsel for the Corporation, apart from these vehicles, garbage is also collected with the use of Tricycles, BOV and lorries. In small streets and lanes, tricycles are being used for the purpose of collecting garbage as battery operated vehicles cannot go in narrow lanes.

5. Certainly, it is for the corporation to manage door to door garbage collection. It is also for the corporation to consider that all the battery operated vehicles are put in proper use and if within the warranty period, some loss is caused, action is to be taken against the supplier.

6. In light of the status report filed, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

[S.V.G., CJ.]

[C.K., J.]

01.09.2023

NCC : Yes / No
Index : Yes / No
RR



W.P.(MD) No.15586 of 2023

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THE HON'BLE THE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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