



W.P(MD)No.79 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.79 of 2015

and

M.P.(MD)No.1 of 2015

Jose Franklin

... Petitioner

Vs.

1.The District Collector and District Magistrate,
Kanyakumari District.

2.The Assistant Director,
Verclambi Town Panchayat,
Kanayakumari District Collector Office at Nagarcoil,
Kanyakumari District.

3.The Executive Engineer,
Verclambi Town Panchayat,
Manalikai Post,
Kanayakumari District.

4.M.Sagir Kumar ... Respondents
*(R4 is impleaded vide order dated 21.08.2023
in M.P.(MD)No.2 of 2015 in W.P.(MD)No.79
of 2015 by GRSJ)*



W.P(MD)No.79 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connection impugned Notice in Na.Ka.No.335/2014/A1 dated 12.12.2014 on the file of the 3rd respondent and quash the same as illegal consequently to direct the respondents to consider the representation preferred by the petitioner dated 13.12.2014 in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3.
Mr.E.V.N.Siva for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner's case is that since inspite of his repeated requests, the respondents did not intervene to check waterlogging, he on his own put up a concrete slab. This was directed to be removed vide notice dated 12.12.2014 by the Executive Officer of the local body. Challenging the same, the present writ petition came to be filed.



W.P(MD)No.79 of 2015

WEB COPY

3. When the matter was taken up for admission, this Court had only issued notice and no interim was granted. During the pendency of this writ petition, the concrete slab put by the petitioner was removed by the respondents and it is stated that there is no waterlogging in the locality. It is further stated by the learned Additional Government Pleader on instructions that there has been no posing of health hazard. The stand of the respondents is recorded. The third respondent is directed to ensure that there is no waterlogging in front of the petitioner's house and the petitioner should not be put to any kind of nuisance on that score. The order impugned in this writ petition is sustained.

4. With this direction to the third respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

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

3/4



W.P(MD)No.79 of 2015

G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Collector and District Magistrate,
Kanyakumari District.
- 2.The Assistant Director,
Verclambi Town Panchayat,
Kanayakumari District Collector Office at Nagarcoil,
Kanyakumari District.
- 3.The Executive Engineer,
Verclambi Town Panchayat,
Manalikai Post,
Kanayakumari District.

W.P(MD)No.79 of 2015

21.08.2023
(2/2)