



W.P(MD)No.3569 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P(MD)No.3569 of 2016

B.Murugeswari

... Petitioner

Vs.

1.The Commissioner,  
Madurai Municipal Corporation,  
Madurai.

2.The District Collector,  
Madurai District.

3.The Assistant Executive Engineer,  
Madurai North Zone,  
Madurai Municipal Corporation,  
Madurai.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in Ref.No.Ma.Po. 1/006085/15 dated 20.03.2015 and to quash the same consequently to direct the respondents to remove the water tank which is situated in Ayyanar koil 5<sup>th</sup> street, Sellur, Madurai within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji  
for M/S.Dhana Law Associates.

For R1 : Mr.R.Murali



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For R2 & R3

: Mrs.D.Farjana Ghoushia,  
Special Government Pleader.

### **ORDER**

The petitioner assails an order dated 20.03.2015 of the first respondent and seeks a consequential direction to remove the water tank, which was installed at Ayyanar koil 5<sup>th</sup> street, Sellur, Madurai.

2.The writ petitioner states that the water tank is impeding ingress and egress to his house and causes great prejudice to him. It is further alleged that the impugned order was issued without proper notice to the petitioner and without making local inspection.

3.The learned Standing Counsel for the Madurai Corporation rebuts the above submission and states that the water tank is being used to supply water to the residents of the locality.

4.The learned Special Government Pleader draws my attention to the impugned communication and states that the public is using water from the tank and the same is not causing any impediment to the petitioner with regard to access to his house.



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5. Taking into consideration the above submissions and examining the impugned order, I find no infirmity in the order. Consequently, the writ petitioner has failed to make out a case for exercising discretionary jurisdiction by this Court. Hence, W.P.(MD)No.3569 of 2016 is dismissed without any order as to costs.

**07.03.2023**

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

1. The Commissioner,  
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Madurai Municipal Corporation,  
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**SENTHILKUMAR RAMAMOORTHY, J.**

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