



W.P(MD)No.28481 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28481 of 2022

1.S.Zahir Hussain
2.S.Stalin Joseph
3.Kajeetha Umma

... Petitioners

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Commissioner,
Kayalpatinam Municipality,
Kayalpatinam,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the dilapidated tank, which is kept unused for nearly two decades which is posing danger and inconvenience to the public on the pathway and permit the petitioners to lay motorable road on Pandagasalai Street, Kayalpattinam, Thoothukudi District at the cost of the petitioners owing to the failure of the respondent in providing the same for long time so as to enable us to reach our properties by considering the representation of the petitioner, dated 05.08.2021.

For Petitioners : Mr.S.C.Herold Singh



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For R-1 : Mr.A.K.Manikkam
Special Government Pleader
For R-2 : Mr.V.Nirmal Kumar
Standing Counsel

ORDER

Heard the learned Counsel on either side.

2. The petitioners wants this Court to direct the respondents to remove the petition mentioned tank. According to the petitioners, it has become dilapidated and kept unused for nearly two decades. It is further stated that it is posing danger and inconvenience to the public. Notice was issued to the respondents. The second respondent clarifies that steps are being taken to repair the tank and bring it to use. The site in question falls within Costal Regulatory Zone-2. Recording the submission of the learned Special Government Pleader that the tank in question will be repaired and that it will be properly maintained, this writ petition stands dismissed. There shall be no order as to costs.

12.01.2023

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



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To

- 1.The District Collector,
Thoothukudi,
Thoothukudi District.
- 2.The Commissioner,
Kayalpatinam Municipality,
Kayalpatinam,
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G.R.SWAMINATHAN, J.

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