



W.P.(MD)No.27273 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.27273 of 2023

T.Nagasundaram

: Petitioner

Vs.

- 1.The Director,
Directorate of Town Panchayat,
7th & 8th Floor,
Urban Administrative Office Campus,
Chennai – 28.
- 2.The Additional Director,
Directorate of Town Panchayat,
7th & 8th Floor,
Urban Administrative Office Campus,
Chennai – 28.
- 3.The District Collector,
District Collector Office,
Madurai District.



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4.The Executive Officer,
Paravai Town Panchayat,
1-1-6, Amman Kovil Street,
Paravai,
Madurai – 625 402.

5.N.Prabhu : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to take action against the fifth respondent to prevent from floating of the drainage water 20 feet public road (East to West) and 23 feet public road (South to North) and clean the said road on the basis of the petitioner's representation dated 02.10.2023, 06.10.2023 and 15.10.2023 respectively, within the time stipulated by this Court.

For Petitioner : Mr.K.Gokul
For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

O R D E R

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Writ Petition' ['WP' for the sake of brevity and convenience] has been filed in this Court on 03.11.2023.



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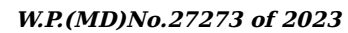
2.Captioned WP has been filed as a 'Public Interest Litigation' ['PIL' for the sake of brevity].

3.Factual matrix in a nut shell according to WP petitioner's averments are that the fifth respondent [to be noted fifth respondent is a private respondent] is draining drainage water from his house into 20 feet public road; that PIL petitioner has approached the authorities *inter alia* vide a representation dated 15.10.2023 but there is inaction necessitating the filing of captioned WP.

4.Today, Mr.K.Gokul, learned Counsel for PIL petitioner reiterated the aforementioned facts.

5.Issue notice to official respondents.

6.Mr.P.Thilak Kumar, learned Government Pleader accepts notice for respondents 1 to 4. Learned Government Pleader on instructions submits that the representation of PIL petitioner has been acted upon and notice dated 03.11.2023 bearing Na.Ka. No.231/2023 has been issued. A scanned reproduction of the notice as placed before us is as follows:



அறிவிப்பு கடிதம்

[illegible]

1) Quesada, J. (2019). El arte de la escritura. Barcelona: Editorial Planeta.

[illegible]

J. O. [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

Будет:

[illegible]

8. Learned Counsel for petitioner on instructions submits that the authorities did visit the site concerned today.



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9.In the light of the narrative thus far, it will suffice to say that aforementioned notice and follow up action shall be carried to its logical end on its own merits and in accordance with law by the fourth respondent who has issued the aforementioned notice.

10.This Court is acutely conscious of the fact that captioned matter is being disposed of in the admission board itself by taking up the WP with the consent of WP petitioner and Government Pleader when the fifth respondent [private respondent] is not before us. Therefore, we deem it appropriate to put in a safety valve and make it clear that all the rights and contentions of fifth respondent as regards aforementioned complaint and more particularly as regards the aforementioned 03.11.2023 notice issued by fourth respondent to fifth respondent [to be noted the noticee as per the notice is the father of fifth respondent] has been preserved. This is buttressed by our earlier preservation that the matter shall be carried to its logical end and concluded as expeditiously as the business of fourth respondent would permit, on its own merits and in accordance with law untrammelled by the closure of captioned PIL.



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11.We find from the case file before us that the entire matter pertains to what is known as 'Maranadu Nagar' in Village No.14, Paravai 1st Bit Village, Madurai North Taluk but it is not clear as to whether the layout has been approved. As it is a PIL, we deem it appropriate to direct the third respondent to look into the matter and take necessary steps to ascertain if there is proper approval and either if there is no approval or if there is any construction without approval, the third respondent shall kick start suitable action in accordance with law.

12.Captioned PIL is disposed of as closed albeit with the aforementioned observation and preservation. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

16.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
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16.11.2023