



W.P.No.1652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1652 of 2024

C.Sundarajan

... Petitioner

Vs.

1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

2.The Assistant Commissioner,
East Zone,
Coimbatore City Municipal Corporation,
Coimbatore.

3.The Junior Engineer,
Ward No.8,
Coimbatore City Municipal Corporation,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to grant a permission / consent to the petitioner for laying drainage pipe lines at Ward No.8, Pillaiyar Kovil Street, Coimbatore in view of the order dated 22.07.2022 vide proceedings in Na.Ka.No.4492/2022/Ke.D1 on the file of the second respondent.

For Petitioner : Mr.K.Myilsamy



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For Respondents : Mr.U.Barnidharan, AGP

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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the 3rd respondent to grant a permission / consent to the petitioner for laying drainage pipe lines at Ward No.8, Pillaiyar Kovil Street, Coimbatore in view of the order dated 22.07.2022 vide proceedings in Na.Ka.No.4492/2022/Ke.D1 on the file of the second respondent.

2. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.U.Barnidharan, learned Additional Government Pleader for the respondents.

3. The petitioner has constructed a house in the site belonging to him by obtaining prior building plan approval and he has also been assessed property and water tax. It is submitted by the learned counsel for the petitioner that to discharge waste water from the house, the petitioner made a request before the second respondent for laying underground drainage pipe lines on 17.06.2022. After the inspection



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made and necessary fees and other payments paid, permission was granted by the second respondent for laying underground drainage pipe line subject to the condition that the petitioner has to obtain prior permission from the third respondent. The petitioner has given a representation to the third respondent. But so far, the said representation has not been considered.

4. It is seen from the order dated 22.07.2022 the petitioner had obtained approval from the second respondent for laying drainage pipe lines. However, it was granted with a condition that the work should be carried out only after obtaining permission from the third respondent. Once the permission is given by the approving authority for laying pipe lines for drainage, I do not understand why another permission is required from the third respondent. It may be obligatory on the third respondent to supervise the work being carried out after getting any notice. It may be correct to direct the petitioner to get completion order from the appropriate authority after the work is completed.

5. Even though it is sufficient to put the third respondent on notice,



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the second respondent made it obligatory on the part of the petitioner to get permission from the third respondent and that had stalled the construction of the drainage pipe lines completely and the permission granted by the second respondent has become useless on the hands of the petitioner and hence, I feel it is appropriate to direct the third respondent to consider the representation of the petitioner and grant permission or consider the representation given by the petitioner as notice and allow the petitioner to proceed with the work.

6. In the result, this Writ Petition is disposed and the third respondent is directed to consider the representation of the petitioner and grant permission or consider the representation given by the petitioner as notice and allow the petitioner to proceed with the work. Any order to this effect should be passed within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is not able to get any order from the hands of the third respondent, the petitioner is at liberty to given another notice to the third respondent and proceed with the work and after completing the work shall give another notice about completion. No



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costs.

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Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.
- 2.The Assistant Commissioner,
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Coimbatore City Municipal Corporation,
Coimbatore.
- 3.The Junior Engineer,
Ward No.8,
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R.N.MANJULA, J.

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