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W.P.No.6587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.07.2024**

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THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.6587 of 2024

M.Ashtalakshmi

.. Petitioner

Versus

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Municipal Administration &
Water Supply Department,
Fort St.George, Chennai - 9.

2.The Director of Municipal Administration,
Commissionerate of Municipal Administration,
MRC Nagar, Raja Annamalaipuram,
Chennai 600 028.

3.The District Collector,
Cuddalore District.

4.The Assistant Director Town Panchayat,
Beach Road, Cuddalore & District.

5.Pennadam Town Panchayat,
Rep by its Executive Officer,
Tittagudi Taluk,
Cuddalore District.

.. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 3 to 5 to execute and complete the construction of a culvert bridge (Opposite to



W.P.No.6587 of 2024

Dr.Maheswari Hospital) and drainage canal in Mohammadiar Street & Ellaiyamman Temple Street in 9th ward of Pennadam Panchayat, as per the resolution passed by the 5th respondent's panchayat on 23.09.2022 and a tender called for pursuance of the said resolution in ref.No.Na.Ka.En.159/2022/A1 dated 30.09.2022 as item No.5 from untied grant of 2021-22-Finance Commission, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Veeramani

For Respondents : Dr.T.Seenivasan, SGP for R1 & R2
Mr.M.Venkateswaran, SGP for R3 & R4
Mr.P.Ganesan for R5

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 3 to 5 to execute and complete the construction of a culvert bridge (Opposite to Dr.Maheswari Hospital) and drainage canal in Mohammadiar Street & Ellaiyamman Temple Street in 9th ward of Pennadam Panchayat, as per the resolution passed by the 5th respondent's Panchayat on 23.09.2022 and a tender called for pursuance of the said resolution in ref.No.Na.Ka.En.159/2022/A1 dated 30.09.2022 as item No.5 from untied grant of 2021-22-Finance Commission, within a time frame as may be fixed by this Court.

2. The case of the petitioner is that she is an elected 9th ward



W.P.No.6587 of 2024

member of the fifth respondent's Panchayat. Due to the delay in conducting local body election, several pressing grievances of the members of her ward were not redressed. After assuming office, the petitioner highlighted the grievance of her ward to the town panchayat as well as the office of official respondents by way of petitions. There was also a protest and sit in dharna by the members of public.

3. On 23.09.2022, a resolution was adopted to construct a culvert bridge and drainage canal in Mohammadiar Street and Ellaiyamman Temple Street in the 9th ward of Pennadam Panchayat. Following the same, a tender was called on 30.09.2022. Thereafter, the fifth respondent Panchayat has completed the other works called for in the tender. However, the work of construction of a culvert bridge and drainage canal in the petitioner's ward was not executed as per the tender called for. In this regard, the petitioner made a representation to the respondents 3 to 5. In response to the same, the fourth respondent has directed the fifth respondent to take a suitable action on the petitioner's complaint. Since the fifth respondent has not taken any steps to redress the petitioner's grievance, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the



W.P.No.6587 of 2024

respondents 3 & 4 submitted that the Assistant Executive Engineer inspected the site before handing over the site to the contractor and found that the existing culvert in front of Dr.Maheswari Hospital need not be demolished. But the sediments accumulated and blocked the same to be removed as the said culvert is stable and can last few more years. The Assistant Executive Officer advised to construct culverts in the cross streets connecting with Ellaiyamman Koil Street to ensure free flow of waste water in the proposed waste water drainage and apportioned the amount accordingly. Thereafter, additional culverts were constructed in the cross streets of Ellaiyamman Koil Street and new waste water drainage was completed and sediments were removed at the existing culvert in front of Dr.Maheswari Hospital within the estimate of Rs.19,00,000/-. Accordingly, it was certified on the date of completion of work on 30.08.2023. Consequently, the payments were made to the contractor upon receiving the completion certificate. Therefore, this Writ Petition has to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

6. On perusal of the records, it is seen that the respondents have not



W.P.No.6587 of 2024

completed the construction work as per the decision taken in the Council Meeting held on 23.09.2022. Therefore, this Court is of the view that the authorities concerned should be directed to complete the work on or before 31st of August 2024.

7. With the above observations, this Writ Petition is disposed of and the respondents 3 to 5 are directed to complete the construction work as per the decision taken in the Council Meeting held on 23.09.2022, on or before 31st of August, 2024. No costs.

22.07.2024

Index :Yes/No
Speaking / Non-speaking order
Neutral Citation : Yes/No
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WEB COPY



W.P.No.6587 of 2024

V.BHAVANI SUBBAROYAN, J.

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To

- 1.The Secretary,
Department of Municipal Administration &
Water Supply Department,
Fort St.George, Chennai - 9.
- 2.The Director of Municipal Administration,
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MRC Nagar, Raja Annamalaipuram,
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W.P.No.6587 of 2024

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