



WEB COPY



W.P.No.21240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21240 of 2023

and

W.M.P.No.20655 of 2023

S.Sanmugathai

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Chennai District,
Singaravelar Maligai,
Chennai Collectorate,
Chennai - 600 001.

2. The Commissioner,
The Chennai Corporation,
Rippon Building, Chennai.

3. The District Revenue Officer,
South Chennai -Tharamani Division,
Chennai District.

4. The Assistant Engineer,
Highways Department,
Tharamani Division,
Tharamani,
Chennai District.

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents more from carrying out any construction of any rain/storm water drain in petitioner's property situated at No.294(294), Kamaraj Street, Thanthai Periyar Nagar, Tharamani, Chennai - 600 113.

For Petitioner : Ms.J.Lavanya

For Respondents : Mr.K.Surendran,
Additional Government Pleader,
(for R1, R3 & R4);

Ms.P.T.Rama Devi, Senior Counsel
(for R2).

ORDER

The writ of mandamus has been filed to forbear the respondents from carrying out any construction of any rain/storm water drain in petitioner's property situated at No.294(294), Kamaraj Street, Thanthai Periyar Nagar, Tharamani, Chennai - 600 113.

2. The learned counsel for the writ petitioner, Ms.J.Lavanya, would contend that the 4th respondent, Highways Department, is constructing rain/storm water drainage works in the patta lands belonging to the petitioner. In this context this Court directed the authorities to verify the status of the land.



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3. The Executive Engineer, Zonal Office-XIII, Greater Chennai Corporation, filed the status report on 25th of July, 2023. The report reads as under :

"4. I respectfully submit that after hearing the submissions of the petitioner and respondents, this Hon'ble Court on admission has passed an order dated 19.07.2023 as follows:-

"...3. The petitioner's grievance is that rain/storm water drain is proposed to be constructed in her property.

4. The second respondent is required to make a statement on the allegation made.

5. Post the matter on 04.08.2023 under the same caption..."

5. I respectfully submit that pursuant to the orders of this Hon'ble Court, the officials of the 2nd Respondent had inspected the property situated at No. 294(294), Kamaraj Street, Thanthai Periyar Nagar, Tharamani, Chennai-600 113, regarding the allegations made by the petitioner.



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6. I further respectfully submit that the construction of the storm water drain at the above mentioned property has been proposed by the officials of the Highways Department i.e. 4th Respondent herein and not by the Greater Chennai Corporation. Since the aforesaid property comes under the jurisdiction of the Highways Department, this 2nd Respondent has no role in the construction of the storm water drains.”

4. In view of the fact that the property is coming under the jurisdiction of Highways Department, the construction of storm water drainage cannot be questioned by the writ petitioner.

5. Thus, the writ petition is devoid of merit and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.04.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

(sha)

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