



WP.No.34465 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE N.SENTHILKUMAR

WP.No.34465 of 2019
WMP.No.35160 of 2019

A.Vijayaraman

Petitioner

Vs

1. State of Tamil Nadu by the Principal Secretary
Revenue Department, Fort St.George, Chennai-9
2. The Special Commissioner and Commissioner of
Land Administration and Land Acquisition, Chennai-5
3. The District Collector, Kancheepuram
4. The Director, Director of Town and Country Planning
Chennai-2
5. The Chairman/ Member Secretary,
Chennai Metropolitan Development Authority
Chennai
6. The Commissioner, Pallavaram Municipality, Chennai
7. The Tahsildar, Pallavaram, Chennai

Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 4 to 6 to remove the illegal construction put up by the 6th Respondent in S.No.47,



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Nemilicherry Village, Sholinganalur Taluk, Kancheepuram District.

WEB COPY

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.G.Nanmaran, SGP-RR1 to 4
Mr.P.Srinivas, Standing Counsel-R6
Mr.R.Thamaraiselvan, Standing Counsel-R5

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition has been filed to issue a Writ of Mandamus, directing the Respondents 4 to 6 to remove the illegal construction put up by the 6th Respondent in S.No.47, Nemilicherry Village, Sholinganalur Taluk, Kancheepuram District.
2. This Court heard the learned counsel on either side.
3. As seen from the averments made in the affidavit filed in support of this Writ Petition, the grievance of the Petitioner is that due to improper maintenance of waste water treatment plant, which was already set up in the area, there is leakage in the sewerage pipe lines set up in the said plant and due to leakage, sewerage water has been stagnating and causing pollution and hence, the said plant has to be removed or properly maintained.
4. But, according to the Respondents, by laying fresh pipe lines, leakage of drainage water was stopped in the area about three weeks back.
5. Though the Petitioner also complained about the construction of a water management godown, a counter affidavit is filed, indicating that processing of water is done in a controlled environment in accordance with the Regulations.



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Based on serious allegations about stagnation of untreated sewage water, this Court, by order dated, 17.07.2023, an Advocate Commissioner was appointed to inspect and report whether untreated sewage water is collected. The Advocate Commissioner filed a report on 21.08.2023, finding that there was no overflowing of untreated water even though some repairs have to be carried out.

6. Despite several opportunities given by this Court to the learned counsel for the Petitioner to get instructions from his client as to the present state of affairs, he refused to do so, so far, but still he is complaining off, without any specific reference to any public inconvenience on account of the leakage of pipe lines or stagnation of drainage water.
7. Even today, the learned counsel for the Petitioner requested to adjourn the matter, with a motive to take action against the Official Respondents on the basis of old photographs, without any reasonable cause or grievance. The present prayer of the Petitioner appears to be motivated. There is no bona fide in this litigation and even this Court is unable to find a reasonable cause to keep this Writ Petition pending. It appears that the intention of the Petitioner seems to keep the matter pending and hence, this Court is not inclined to adjourn the matter further.
8. The grievance of the Petitioner, according to the Respondents, is addressed by laying fresh pipe lines. Recording the substantial work done by the



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Respondents, since the grievance of the Petitioner is met out, there is nothing to be adjudicated in this Writ Petition. Therefore, this Writ Petition is dismissed, with a cost of Rs.5,000/- to be paid to the Local Body by the Petitioner. Consequently, the connected MP is closed. However, if the Petitioner is still having any grievance by virtue of fresh cause of action,

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

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which is not addressed, he can approach the appropriate authority for ventilating such grievance.

(S.S.S.R.J.) & (N.S.J.)
03.04.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
Srcm

To

1. State of Tamil Nadu by the Principal Secretary, Revenue Department, Fort St.George, Chennai-9
2. The Special Commissioner and Commissioner of Land Administration and Land Acquisition, Chennai-5
3. The District Collector, Kancheepuram



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4. The Director, Director of Town and Country Planning, Chennai-2

5. The Chairman/ Member Secretary, Chennai Metropolitan Development Authority, Chennai

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