



W.P.(MD).No.396 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.396 of 2024

and

W.M.P.(MD).No.414 of 2024

C.R.Ravindra Kumar

... Petitioner

vs.

- 1.The Secretary,
Tamil Nadu Water Resources Organisation Department,
Secretariat,
Chennai.
- 2.The Municipal Administration and Water Supply Department,
Tamil Nadu Water Resources Organization Department,
Secretariat,
Ezhilaham,
Chennai.
- 3.The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Thallakulam,
Madurai 625 002.
- 4.The Palami Enclave Residents Welfare Association,
Palami Enclave Residents,
Near Ramakrishna Math,
New Natham Road,



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Narayanapuram,
Madurai 625 014.

5.The Secretary,
The Palami Enclave Residents Welfare Association,
Near Ramakrishna Math,
New Natham Road,
Narayanapuram,
Madurai 625 014.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned work order issued by the 3rd respondent in his proceedings in M2E1/003574/23, dated 20.07.2023 and quash the same and consequently direct the 3rd respondent to open the existing drainage line in the front portion of the enclave and to ensure the proper maintenance of drainage systems in the following days, by considering the representation of the petitioner, dated 08.12.2023.

For Petitioner	: Mr.P.Venkatesan
For R1 & R2	: Mr.D.Gandhi Raj Special Government Pleader
For R3	: Mrs.S.Devasena Standing counsel
For R4 & R5	: Mr.C.Senthil Murugan



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ORDER

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This writ petition has been filed challenging the impugned work order issued by the 3rd respondent dated 20.07.2023 and to quash the same and consequently direct the 3rd respondent to open the existing drainage line in the front portion of the enclave and to ensure the proper maintenance of drainage systems in the following days, by considering the representation of the petitioner, dated 08.12.2023.

2. The case of the petitioner is that he is residing in ID.No.H36A, Palami Enclave, New Natham Road, Madurai attached to the fourth respondent Association. There are 84 individual row houses in the fourth respondent housing society and each house having approved plinth area of 1300 sq.ft. and 80 apartments which consisting of 20 houses in each and having approved plinth area of 861 sq.ft. in each apartment and totally 164 families are there. In order to ensure proper maintenance, which would be provided by the fourth respondent, each resident of house owners paid Rs.1,500/- to the fourth respondent. Due to improper maintenance of the respondents 4 and 5, he lost his two daughters aged



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about 5 and 3 respectively, who died by affecting dengue virus in the past years. In order to save the life of all residents and ensure proper drainage system, the petitioner sent a detailed representation to the third respondent seeking to cancel the work order, which was already issued in favour of the fourth respondent, dated 20.07.2023 and requesting them to maintain proper drainage system and also sent a legal notice dated 09.12.2023, to the respondents 4 and 5, requesting them not to collect money through improper way and to renew the fourth respondent society, since it has been defunct in the year 2005 and to follow the procedure as per by-law. The respondents 4 and 5 did not take any effort to implement the drainage system and his representation is still pending before the third respondent without any response. Hence, the present writ petition has been filed.

3. The learned Standing counsel appearing for the third respondent would submit that as they were pumping out the water through electric motor, it has been let out in New Natham Road. Hence, to prevent that they have formed a Scheme and as per the Namakku Namme Scheme,



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the work was completed and at present, no stagnated water is seen in the main road and she has also produced the photographs. She would further submit that if there is any dispute, he has to approach the competent Court and not by making the respondents as a party.

4. The fifth respondent has filed a counter stating that the fifth respondent is the Secretary of the Housing Society and acted on behalf of the fourth respondent Society. The petitioner has not paid any amount towards monthly maintenance charge from October 2022. Further, the petitioner's daughters died in their native village near Melur. In fact, the entire drainage system of Palami Enclave become very old and needs replacement of new pipelines and pumping motors and as such, held general body meeting and they have made an application before the third respondent to change the entire drainage system on Namakku Namme Thittam. By order dated 20.07.2023, the third respondent permitted them to change the entire drainage system with stringent conditions. After getting permission from the third respondent, they have completed the work and now the drainage system is working properly without



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stagnation. Hence, the writ petition is liable to be dismissed.

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5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 2, learned Standing counsel appearing for the third respondent and the learned counsel appearing for the respondents 4 and 5.

6. As per the Namakku Namme Scheme, the respondents 4 and 5 have completed the work and the photographs produced would show that the said works have been completed in entirety and there is no sewage water stagnation in that place. Hence, nothing survives in this writ petition for further adjudication. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index:Yes/No
Internet:Yes/No
NCC:Yes/No
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