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W.P.(MD)NO.15575 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15575 of 2024 AND

W.M.P.(MD)No.13624 of 2024

G.Venkatesh Kumar

... Petitioner

Vs.

1. The Commissioner Madurai Corporation,
O/o.the Commissioner Madurai Corporation,
Aringar Anna Maligai,
Madurai.
2. The Assistant Commissioner of Corporation,
Zone 5(West),
Madurai Corporation,
Madurai.
3. The Assistant Engineer,
Ward 80,
Madurai Corporation,
Madurai.
4. The Assistant Engineer,
Ward 79,
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent dated 04.07.2024 in her proceedings No.10523/003494/2024



and quash the same as illegal and direct the respondents to restore the petitioner's dwelling house under ground drainage line and consequently direct the respondents to pay adequate compensation for their illegal, unlawful act of arbitrarily disconnection of the essential underground drainage connection within the time stipulated by this Court.

For Petitioner : Mr.SK.Venkat Raman

For Respondents : Mr.Vidyasagar

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for Madurai Corporation.

2. The petitioner purchased the petition-mentioned premises in door No.73/3, Pulipandian Street, Jaihindpuram Madurai from one Anbu Ganesan vide sale deed dated 16.10.2023. The underground drainage connection enjoyed by the petitioner was damaged. The petitioner seeks restoration of the same.

3. The second respondent informed the petitioner that the petitioner has to submit a fresh application for getting the underground



drainage connection and only thereafter, the petitioner's request will be considered.

4. Challenging the stand of the second respondent, this writ petition came to be filed.

5. It is seen that Anbu Ganesan had two houses. He was assessed to underground drainage UGD tax for two lines. When the petitioner purchased the property from Anbu Ganesan, obviously, the benefit of underground drainage connection will pass on to the petitioner. I therefore cannot endorse the stand of the Corporation that the petitioner should submit a fresh application for obtaining UGD connection. To this extent, the impugned memorandum is set aside.

6. It appears that Anbu Ganesan carried out maintenance works and in that process, the petitioner's UGD connection suffered damage. The petitioner has to obtain relief only from Anbu Ganesan. He cannot blame the Corporation for the same. The fact remains that the petitioner has to lay new pipelines. The learned Standing counsel informed the Court that the petitioner may remit a sum of Rs.11,624/- in respect of



new assessment Nos.900571, 901971 and 902004. Upon remittance of the said amount, the Corporation shall grant permission to the petitioner.

It is for the petitioner to lay pipelines on his own. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2024

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

To:

1. The Commissioner Madurai Corporation,
O/o.the Commissioner Madurai Corporation,
Aringar Anna Maligai,
Madurai.
2. The Assistant Commissioner of Corporation,
Zone 5(West),
Madurai Corporation,
Madurai.



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G.R.SWAMINATHAN, J.

PMU

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