



W.P.No.14607 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.14607 of 2025
and WMP.Nos.16498 & 16499 of 2025

1.R.Varadaraju
2.R.Dhanasekaran
3.R.Kurunakaran
4.M.Murugan
5.M.Sudha
6.M.Shanmugam
7.P.Ramesh

.. Petitioners

vs

1.The Commissioner
Rasipuram Municipality
Namakkal District.

2.The Tahsildar
Rasipuram Taluk
Namakkal District

3.The Head Surveyor
Rasipuram Taluk
Namakkal District.



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4.Rasipuram Teachers and Government Staff

Cooperative Housing Society Limited No.SLM.HSG.86

Represented by its Secretary M.MohanKumar Male/Age 48

No.29/59 Kamaraj Nagar

Doctor B Keerthana Nivas First Floor

Pattinam Road, Rasipuram, Namakkal District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider the petitioners representation dated 11.03.2025 to conduct an enquiry for construction of the water drainage put up by the fourth respondent in New Town Survey Nos.9/5 and 9/6, Vallalar Salai, Kattanchampatti Block 2, Rasipuram, Namakkal District and to pass appropriate orders within a limited time frame.

For Petitioner : Mr.A.M.Esakkiappan

For Respondents : Mr.M.S.Pream Kumar, GA for R1.

Mr.R.L.Karthika, GA for R2 to R4.

ORDER

This writ petition has been filed to consider the petitioners representation dated 11.03.2025 to conduct an enquiry for construction of the water drainage put up by the fourth respondent in New Town Survey Nos.9/5 and 9/6, Vallalar Salai, Kattanchampatti Block 2, Rasipuram, Namakkal District and to pass appropriate orders within a limited time frame.



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2. The first petitioner is the owner of the property as per registered release deed

Doc.No.1201 of 1978 dated 27.01.1978 situated in S.No.191/4, 191/3 and 198/2 at

Door.No.67, Vallalar Salai, Kattanchampatti Block 2, Rasipuram, Namakkal District.

Subsequently, the other petitioners have purchased the plot through registered sale deed Nos.5111 of 2009 dated 02.11.2009, 3985 of 2020 dated 15.09.2020 and settlement deed dated 4977 of 2020 dated 29.10.2020 on the file of the Sub Registrar,

Rasipuram. The fourth respondent is the Society, having 170 plots and some of the owners are constructing houses adjacent to our property. During March 2025, without any proper approval obtained from the first respondent to construct the water drainage put up by the fourth respondent in New Town Survey No.9/5 and 9/6. The petitioners gave representation dated 11.03.2025 to the respondents 1 to 3 to conduct an enquiry for construction of the water drainage put up by the fourth respondent.

Hence, the present writ petition.

3. The learned counsel for the petitioner would submit that the 4th respondent has constructed the water and drainage channel without getting approval from the executive authority of the local body. The learned counsel placed reliance on the

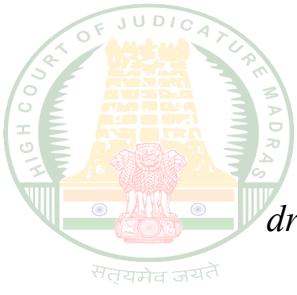


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G.O.Ms.No.18 Municipal Administration and Water Supply (MA.I) Department

dated 04.02.2019. Therefore, the Government after careful consideration, have decided to revise and re-issue various existing building Rules under various Acts for Corporations, Municipalities, Town Panchayats and village panchayats and Development Rules/Regulations issued under the Tamil Nadu Town and Country planning Act, 1971 as the Tamil Nadu Combined Development and Building Rules, 2019. The Rule 55 of the Tamil Nadu Combined Development and Building Rules, 2019 is extracted hereunder :-

“55. Storm Water Drainage.- (1) Storm water drainage system in a site shall be designed in such a way to harvest cent percent of it to recharge ground water table below. The design factors of rain water harvesting structures within a site shall include type of soil and its absorption capacity, ground slope, intensity and duration of rain fall for the design period etc. However there shall also be a provision for carrying any excess storm water which was not absorbed during an exceptional rain fall, to drain or discharge into the street or public storm water



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drainage system.

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(2) No existing natural or man-made drainage system

such as channel, canal, nallah etc. passing through the site shall be closed. When it is realigned within the site optimizing the usability of the site, due care shall be taken that its carrying capacity or velocity of flow is not reduced affecting the upstream and downstream sites and such a realignment shall be done only with prior approval of the Executive Authority of the Local body.”

4. The learned counsel for the petitioners would further submit that the petitioners have also submitted a representation dated 11.03.2025 to the respondents 1 to 3, to conduct an enquiry with regard to the construction of water drainage by the 4th respondent, but till date no action has been taken.

5. M/s.R.L.Karthika, learned Government Advocate takes notice for R2 to R4.

6. Mr.M.s.Pream Kumar, learned Government Advocate takes notice for the



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first respondent. He would submit that the representation of the petitioners dated 11.03.2025 will be considered on merits and in accordance with law, within the time frame stipulated by this Court.

7. Heard the learned counsel for the petitioners and the learned Government Advocates appearing for the respondents and perused the materials available on record.

8. This Court directs the first respondent to consider the representation of the petitioners dated 11.03.2025, by conducting detailed enquiry, after giving due notice to the petitioner as well as to the 4th respondent, opportunity of personal hearing, to consider the documents filed by the petitioner as well by the 4th respondent on merits, and in accordance with law, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

9. This writ petition is disposed of, with the above observations and directions. No costs. Consequently, connected miscellaneous in WMP.No.16499 of 2025 is



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closed and WMP.No.16498 of 2025 is ordered as prayed for.

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Note : Issue order copy on 30.04.2025.

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Commissioner
Rasipuram Municipality
Namakkal District.

2.The Tahsildar
Rasipuram Taluk
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3.The Head Surveyor
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J. SATHYA NARAYANA PRASAD, J.

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