



W.A.(MD)No.2607 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.2607 of 2024

1.S.Zahir Hussain

2.S.Stalin Joseph

3.KajeethaUmma

... Appellants

-Vs-

1.The District Collector,
Thoothukudi, Thoothukudi District.

2.The Commissioner,
Kayalpattinam Municipality,
Kayalpattinam, Thoothukudi District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 12.01.2023 made in W.P.(MD)No.28481 of 2022 on the file of this Court.

For Appellants : Mr.S.C.Herold Singh

For R1 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

For R2 : Mr.Jerin Mathew



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JUDGMENT

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

This Writ Appeal is directed against the order of this Court dated 12.01.2023 made in W.P.(MD)No.28481 of 2022.

2.The appellants / writ petitioners filed the said Writ Petition, seeking for a direction to the respondents to remove the dilapidated tank, which is kept unused for nearly two decades and which is posing danger and inconvenience to the public on the pathway and permit the writ petitioners to lay motorable road on Pandagasalai Street, Kayalpattinam, Thoothukudi District at their cost, since the respondents failed to provide the same for long time, enabling the writ petitioners to reach thier properties.

3.When the matter was taken up by the Writ Court, the learned Special Government Pleader for the respondents submitted that the tank in question will be repaired and maintained properly. Therefore, recording the said submission, the Writ Court dismissed the said Writ Petition. The said order is under challenge in this Writ Appeal.



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4.It is seen from the records that the impugned order has been passed as early as on 12.01.2023 in W.P.(MD)No.28481 of 2022. But as per the orders, the respondents have not taken any steps to repair and maintain the dilapidated tank and it is in a very dangerous condition. Therefore, the appellants / writ petitioners are directed to submit a representation to the 2nd respondent, who in turn, is directed to consider the same, after giving sufficient opportunity of hearing to the appellants and pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Appeal is disposed of. No costs.

[J.N.B., J.] & [S.S.Y., J.]
04.03.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1.The District Collector,
Thoothukudi, Thoothukudi District.

2.The Commissioner,
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Kayalpattinam, Thoothukudi District.



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