

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eighteenth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

WP (MD) No.16071 of 2020

S.M.ANTHONY MUTHU

... PETITIONER

Vs

- 1 THE DISTRICT COLLECTOR
KANYAKUMARI DISTRICT, NAGERCOIL
- 2 THE PROJECT DIRECTOR
DISTRICT RURAL DEVELOPMENT AGENCY,
COLLECTORATE CAMPUS, NAGERCOIL
- 3 THE ASSISTANT DIRECTOR (VILLAGE PANCHAYATS),
COLLECTORATE CAMPUS, NAGERCOIL
- 4 THE EXECUTIVE ENGINEER
VILLAGE PANCHAYATS, COLLECTORATE CAMPUS,
NAGERCOIL
- 5 THE COMMISSIONER
KURUNTHENCODE PANCHAYAT UNION,
KURUNTHENCODE ANDPOST,
KANYAKUMARI DISTRICT.
- (*)
R6 THE SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS DEPARTMENT,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI .
- R7 THE SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
SECRETARIAT, CHENNAI .
- R8 THE SECRETARY TO GOVERNMENT,
RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
SECRETARIAT, CHENNAI .



**R9 THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, CHENNAI.**

**R10 THE DIRECTOR,
RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
PANAGAL BUILDING, CHENNAI**

**R11 THE DIRECTOR OF TOWN PANCHAYATS,
DIRECTORATE OF TOWN PANCHAYATS,
URBAN ADMINISTRATIVE OFFICE CAMPUS,
CHENNAI.**

... RESPONDENTS

**(*)R6 TO R11 ARE SUO MOTU IMPLEADED VIDE
COURT ORDER DATED:18.11.2020.**

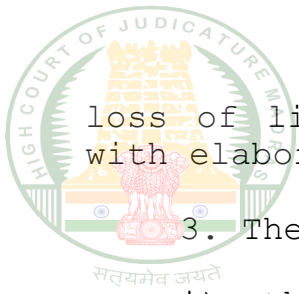
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus or any other order in the nature of writ directing the respondents to constitute an Expert Committee to supervise the rural road works in Kanyakumari District to ensure the execution of the works as per the estimates, after milling/scrapping the existing roads and also to check and verify the measurements and quality of the roads after completion of the work, before settling the bills for the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.T.PERUMAL, Advocate for the petitioner and of Mrs.J.PADMAVATHI DEVI, Special Government Pleader for the Respondents No.1 to 4 & 6 to 11 and Mr.M.MURUGAN, Advocate for the Respondent No.5, the court made the following order:-

(Order of the Court was made by **N.KIRUBAKARAN,J.**)

This Writ Petition is filed by the petitioner seeking a Writ of Mandamus directing the respondents to constitute an Expert Committee to supervise the rural road works in Kanyakumari District to ensure the execution of the works as per the estimates, after milling / scrapping the existing roads and also to check and verify the measurements and quality of the roads after completion of the work, before settling the bills.

2. It is a common knowledge that indiscriminate repair and relaying of roads without milling / scrapping the existing roads will lead to considerable increase in the heights of the roads, making the buildings to go down, resulting in inundation during rainy season, flooding the residential houses and blocking the drainage. Such is the condition for the past twenty five years and the quality of the work is also not up to the mark, since the roads are relaid without milling / scrapping the existing roads. Unless quality roads are laid, accidents cannot be prevented, which lead to



loss of lives. This is an important issue, which has to be dealt with elaborately.

3. Therefore, this Court *suo-motu* impleads

i) the Secretary to Government, Highways and Minor Ports Department, Government of Tamil Nadu, Secretariat, Chennai;

ii) the Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai;

iii) the Secretary to Government, Rural Development and Panchayat Raj Department, Secretariat, Chennai;

iv) the Secretary to Government, Public Works Department, Chennai;

v) the Director, Rural Development and Panchayat Raj Department, Panagal Building, Chennai; and

vi) the Director of Town Panchayats, Directorate of Town Panchayats, Urban Administrative Office Campus, Chennai.

as respondents 6 to 11 in this writ petition.

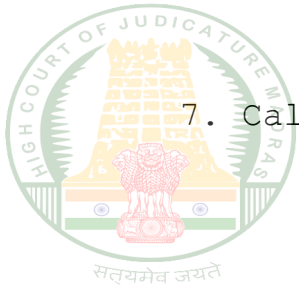
4. Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondents.

5. The learned Special Government Pleader is directed to produce the following in the form of typed set of papers:-

i) the Government Orders / Circulars / Instructions which govern the laying / relaying of roads; and

ii) the particulars / mechanism to ensure the quality of the roads laid / relaid, including the types of tests, check lists, forms, if any.

6. A similar matter came up before the Principal Seat of this Court in W.P.No.1963 of 2020, in which one of us [Hon'ble Mr.Justice N.KIRUBAKARAN, J.,] was a party. In the said writ petition, interim orders were passed on 25.02.2020 & 28.02.2020, giving comprehensive directions as to the milling / scrapping of existing roads, while laying / relaying of roads. However, it is not known as to whether the directions were complied with by the Government or not. Therefore, the learned Special Government Pleader is also directed to file a status report as to the compliance of the orders dated 25.02.2020 & 28.02.2020, in W.P.No.1963 of 2020, before the next date of hearing.



7. Call on 30.11.2020, in the motion list.

sd/-
18/11/2020

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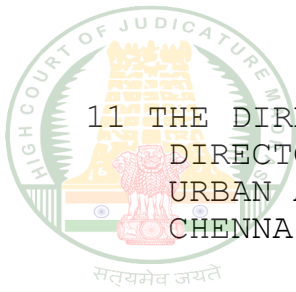
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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
PANAGAL BUILDING, CHENNAI.



11 THE DIRECTOR OF TOWN PANCHAYATS,
DIRECTORATE OF TOWN PANCHAYATS,
URBAN ADMINISTRATIVE OFFICE CAMPUS,
CHENNAI.

COPY TO:

Mrs.J.PADMAVATHI DEVI,
SPECIAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-7519[I] dated 18/11/2020)

ORDER

IN

WP(MD) No.16071 of 2020

Date :18/11/2020

MS/PN/SAR-3/19.11.2020/5P.14C