

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Thirtieth day of November Two Thousand and Twenty

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PRESENT

The Hon'ble Mr.Justice N.KIRUBAKARAN
and

The Hon'ble Mr.Justice B.PUGALENDHI

WP(MD) No.16071 and 16885 of 2020

In 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 & POST,
KANYAKUMARI DISTRICT.
- 6 THE SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS DEPARTMENT,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI.
- 7 THE SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
SECRETARIAT, CHENNAI.
- 8 THE SECRETARY TO GOVERNMENT,
RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
SECRETARIAT, CHENNAI.



9 THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, CHENNAI.

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

11 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 in WP(MD).16071/2020 by NKKJ and BPJ)

In WP(MD)No.16885 of 2020:

A.SHANMUGASUNDARARAJA

... PETITIONER

Vs

1 THE COMMISSIONER
TIRUNELVELI CORPORATION, TIRUNELVELI.

2 THE SUPERINTENDING ENGINEER,
TIRUNELVELI KANYAKUMARI CIRCLE, TWAD BOARD,
SEEVALAPERI ROAD, SANTHI NAGAR,
PALAYAMKOTTAI, TIRUNELVELI.

3 THE EXECUTIVE ENGINEER (TOWN)
TIRUNELVELI, TWAD BOARD, INTEGRATED OFFICE COMPLEX,
SECOND FLOOR, SEEVALAPERI ROAD,
SANTHI NAGAR, PALAYAMKOTTAI, TIRUNELVELI.

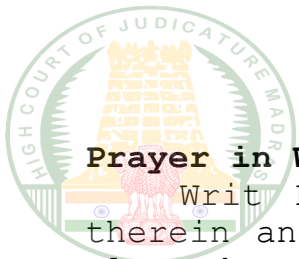
4 THE EXECUTIVE ENGINEER, (MAINTENANCE),
TIRUNELVELI, TWAD BOARD,
INTEGRATED OFFICE COMPLEX, SECOND FLOOR,
SEEVALAPERI ROAD, SANTHI NAGAR,
PALAYAMKOTTAI, TIRUNELVELI.

... RESPONDENTS

Prayer in WP(MD)No.16071/2020:

Writ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



Prayer in WP(MD) No.16885 of 2020:

Writ 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, directing the respondents 1 to 4 herein to issue suitable guidelines regarding laying drinking water pipe lines in Raja Rajeshwari Nagar and adjoining areas in Ward No.27, Melappalayam Zone, Tirunelveli Corporation by considering the representation of the petitioner dated 20.10.2020 within the time frame stipulated by this Hon'ble Court.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.C.T.PERUMAL, Advocate for the petitioner in WP(MD) No.16071/2020 and M/S.G.MOHAN KUMAR, Advocate for petitioner in WP(MD) No.16885/2020 and of Mr.ARAVIND PANDIAN, Additional Advocate General assisted by Mrs.J.PADMAVATHI DEVI, Special Government Pleader for the Respondents No.1 to 4 & 6 to 11 and Mr.M.MURUGAN, Advocate for the 5th Respondent in WP(MD) No.16071/2020, the Court made the following order:-

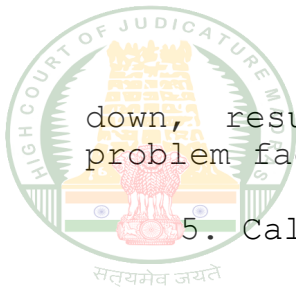
(Order of the Court was made by N.KIRUBAKARAN, J.)

When W.P.(MD)No.16071 of 2020 was taken up for hearing on 18.11.2020, this Court directed the learned Special Government Pleader appearing for the State to file a status report as to the compliance of the orders, dated 25.02.2020 and 28.02.2020, passed in W.P.No.1963 of 2020, by the Principal Seat of this Court, regarding milling / scrapping of existing roads while laying / re-laying of roads.

2.Today, when the matters are taken up for hearing, an affidavit has been filed by the 10th respondent in W.P.(MD)No.16071 of 2020 regarding the steps taken by the Government for laying / re-laying the roads after scrapping of existing roads.

3.This Court perused the records and also the photographs filed along with the typed set of papers.

4.A few directions have been complied with. It is expected that the Secretary of the particular Department should give an interview stating that the milling or reclaiming of roads by the contractors is a must, whenever the roads are re-laid in residential areas and the people should be informed that whenever roads are re-laid, milling should be done. In case of failure on the part of the contractors, the public should be provided with telephone, mobile and whatsapp numbers of the authorities concerned through which complaints can be given, so that, the issue can be sorted out at the initial stage itself. Because of non-milling of roads, height of the road has gone up where as the height of the properties has gone



down, resulting in inundation during rainy season. This is the problem faced by all the property owners through out the State.

5. Call the matters on **10.12.2020.**

sd/-
30/11/2020

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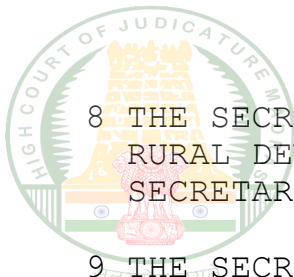
/ /2020

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

Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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



8 THE SECRETARY TO GOVERNMENT,
RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
SECRETARIAT, CHENNAI.

9 THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, CHENNAI.

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

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

12 THE COMMISSIONER
TIRUNELVELI CORPORATION, TIRUNELVELI.

13 THE SUPERINTENDING ENGINEER,
TIRUNELVELI KANYAKUMARI CIRCLE, TWAD BOARD,
SEEVALAPERI ROAD, SANTHI NAGAR,
PALAYAMKOTTAI, TIRUNELVELI.

14 THE EXECUTIVE ENGINEER (TOWN)
TIRUNELVELI, TWAD BOARD, INTEGRATED OFFICE COMPLEX,
SECOND FLOOR, SEEVALAPERI ROAD,
SANTHI NAGAR, PALAYAMKOTTAI, TIRUNELVELI.

15 THE EXECUTIVE ENGINEER, (MAINTENANCE),
TIRUNELVELI, TWAD BOARD,
INTEGRATED OFFICE COMPLEX, SECOND FLOOR,
SEEVALAPERI ROAD, SANTHI NAGAR,
PALAYAMKOTTAI, TIRUNELVELI.

ORDER

IN

WP(MD) No.16071 & 16885/2020

Date :30/11/2020

SMN2

SRS/JC/SAR-III/07.12.2020/5P/16C