

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

Friday, the Second day of March Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice M.SATHYANARAYANAN**  
**and**  
**The Hon`ble Mrs.Justice R.HEMALATHA**

WP(MD) No.4504 of 2018

AAM AADMI PARTY,  
REP.BY ITS DISTRICT SECRETARY,  
C.THIRUGNANAM,  
S/O.R.CHANDRAN, KVC TOWER, COLLEGE ROAD,  
NEAR INCOME TAX OFFICE, KARAIKUDI,  
SIVAGANGAI DISTRICT.

... Petitioner

Vs

1 THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,  
EZHILAGAM, CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR,  
SIVAGANGAI DISTRICT.

3 THE COMMISSIONER,  
KARAIKUDI SELECTION GRADE MUNICIPALITY,  
KARAIKUDI.

4 MRS. SUNDARAMBAL,  
THE COMMISSIONER,  
KARAIKUDI SELECTION GRADE MUNICIPALITY,  
KARAIKUDI.

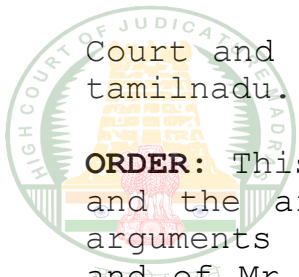
5 THE SECRETARY TO GOVERNMENT  
MINICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,  
SECRETARIAT, CHENNAI-009.

(R5 IS SUO MOTU IMPEADED VIDE

COURT ORDER DT.02/03/18 IN WP(MD) 4504/18)

... Respondents

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus directing the respondents No. 1 and 2 to take panel/action against the 4th respondent herein under the provisions of the prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and consequently direct the respondents No.1 to 3 to strictly adhere the provisions stipulated in the prohibition of Employment as manual scavengers and their Rehabilitation Act,2013 and precedents laid down by this Honourable



Court and Honourable Apex Court in all local bodies in the state of tamilnadu.

**ORDER:** This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.RM.ARUN SWAMINATHAN, Advocate for the petitioner and of Mr.A.K.Baskarapandian, Special Government Pleader, on behalf of the Respondents no. 1,2 & 5 and Mr.P.Mahendran, Standing Counsel, on behalf of the Respondent 3, the court made the following order:-

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

The petitioner claims to be a District Secretary of a recognised political party, came forward to file this writ petition as to the non-implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, as well as the judgments rendered by the Honb'le Supreme Court of India.

2.Notice through Court as well as privately to the respondents returnable on 02.04.2018.

3.Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2 and Mr.P.Mahendran, learned Standing Counsel accepts notice on behalf of the third respondent.

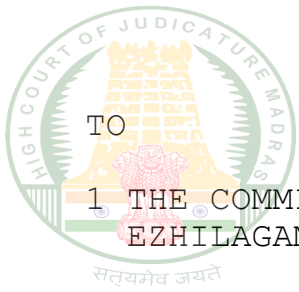
4.In the light of the materials placed, this Court is of the considered view that Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai - 600 009, is suo motu to be impleaded as respondent and accordingly, the said official is arrayed as fifth respondent in this writ petition and Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice on behalf of the said official also.

5.In the considered opinion of this Court, for the effective and proper implementation of the provisions of the said Act, mechanical devices in the form of machineries are required and therefore, the respondents 1 and 2 are directed to file a joint status report as to the proper and effective implementation of the provisions of the said Act, as regards the local bodies falling within the jurisdiction of this Bench and the modern techniques used or machineries available to clear the blockage of open drains as well as the underground drains.

6.Call on 02.04.2018.

sd/-  
02/03/2018

/ TRUE COPY /



TO

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2 THE DISTRICT COLLECTOR,  
SIVAGANGAI DISTRICT.

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MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,  
SECRETARIAT, CHENNAI-009.

ORDER

IN

WP(MD) No.4504 of 2018

Date :02/03/2018

SDS/MM-PN/SAR.2/16.03.2018/3P/6C