

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 29.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD)No.6687 of 2023**

Pappathi @ Rukkumani

... Petitioner

Vs.

1.The District Collector  
Dindigul District,  
Dindigul.

2.The Block Development Officer  
Ottanchathiram Taluk,  
Dindigul District.

3.The President  
Thangachiyammapatti Village Panchayat,  
Ottanchathiram Taluk,  
Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to complete the drainage channel construction work in Sinna Karadu West Side Street at Thangachiyammapatti, Dindigul District and

to regulate the drainage water and ensure that there would be no stagnated of drainage water in front of the petitioner house situated in Door No.2/147, Vayakati, Thottam, Thanagachiyammapatti, Ottanchathiram Taluk, Dindigul District - 624 612 based on the petitioner's representation, dated 06.02.2023.

For Petitioner : Mr.S.Murugapandi

For Respondents : Mr.N.Muthu Vijayan - for R1  
Additional Government Pleader  
Mr.D.Sasi Kumar - for R2 & R3  
Additional Government Pleader

### **ORDER**

Let me not keep the writ petition pending.

2. The writ petition has been filed in the nature of a Mandamus seeking a direction against the second respondent, to complete the drainage channel construction work in Sinna Karadu West Side Street, Thangachiyammapatti, Dindigul District.

3. The learned Special Government Pleader had taken notice on behalf of the first respondent and the learned Additional Government Pleader had taken notice on behalf of the second and third respondents.

4. The petitioner is residing at Door No.2/147, Vayakati, Thottam, Thangachiyammapatti, Ottanchathiram Taluk, Dindigul District. It is stated that the drainage channel had been constructed and it is left open in front of the residence of the petitioner herein.

5. It is not only the petitioner's house, but in the entire road it has been kept open. It can be closed only when there are funds available with the Panchayat. The funds will be allocated by distribution Statewise and then distributed District wise and then distributed Taluk wise. So only when the panchayat gets the funds, the drainage channel can be closed. The petitioner can also come forward to close the drainage, after addressing the panchayat and getting necessary permission.

6. The Court cannot issue a Mandamus in the absence of funds available with the respondents 2 and 3.

7. The writ petition stands disposed of by giving an alternate to the petitioner, for himself to close the drainage, after getting necessary permission from the third respondent/ panchayat. The other alternate is for the panchayat to close it, but only when the funds are allocated for this specific work for which no time limit can be given. No costs.

**29.03.2023**

Index : Yes/No  
Internet : Yes/No  
NCC : Yes / No

rm

To

- 1.The District Collector  
Dindigul District,  
Dindigul.
- 2.The Block Development Officer  
Ottanchathiram Taluk,  
Dindigul District.
- 3.The President  
Thangachiyammapatti Village Panchayat,  
Ottanchathiram Taluk,  
Dindigul District.

**W.P(MD)No.6687 of 2023**

**C.V.KARTHIKEYAN, J.**

rm

**W.P(MD)No.6687 of 2023**

**29.03.2023**