

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. No. 13728 of 2015

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1. A. Mohan
2. Kabadi R. Ponnusamy .. Petitioners

Versus

1. The State of Tamil Nadu
represented by its Secretary to Government
Public Works Department
Chennai - 600 009

2. The District Collector
Namakkal District

3. The Chief Engineer
Trichy Region
PWD, Trichy

4. Shanmugam .. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 03.09.2015 within a time frame to be fixed by this Court.

For Petitioner : Mr. R. Sankarasubbu
For Respondents : Mrs. P. Rajalakshmi
Government Advocate for R1 to R3

ORDER

The first petitioner claims to be an agriculturist and he is owning one acre of land in Survey No.172/3 bearing Patta No.95. Similarly, the second petitioner is also owning an agricultural land. Both the petitioners claims that they are doing agricultural operation in their respective land for their livelihood. According to the petitioners, the fourth respondent herein is drawing water by erecting giant

borewells and such water drawn is being sold by him illegally for commercial purpose. According to the petitioner, as per the orders passed by the Government, water must be drawn 400 meters away from the river cauvery by using electric motors and other gadgets, but the fourth respondent has also violated such norm. Therefore, the petitioners have jointly sent a representation dated 03.09.2015 to the respondents 1 to 3 inviting their attention to the unlawful activities being carried on by the fourth respondent. As there is no consideration to such representation of the petitioners, they have come up with this writ petition.

2. Mrs. Rajalakshmi, learned Government Advocate accepts notice to the respondents 1 to 3.

3. Even though several allegations have been made as against the fourth respondent, having regard to the nature of disposal of this writ petition, this Court has not issued notice to the fourth respondent.

4. Having regard to the nature and scope of the relief sought for in this writ petition, without expressing any opinion on merits of the case, the third respondent is directed to consider the representation dated 03.09.2015 submitted by the petitioner after hearing the petitioner and the fourth respondent and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. With the above direction, the writ petition is disposed of. No costs. Consequently, WMP No. 12039 of 2016 is closed.

21-04-2016

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To

1. The State of Tamil Nadu
represented by its Secretary to Government
Public Works Department
Chennai - 600 009
2. The District Collector
Namakkal District
3. The Chief Engineer
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R. SUBBIAH, J

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