

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.14114 of 2015 and
M.P.No.1 of 2015

M.G.Sundar Raj

.. Petitioner

Versus

1.The Health Officer,
Medavakkam Primary Health Centre,
Chittalapakkam,
Medavakkam,
Chennai - 100.

2.P.Rajesh

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the first respondent to clear the silt from the septic tank using their statutory powers within a time to be stipulated by this Court.

For Petitioner : Mr.N.P.Kumar

For Respondent : Mr.M.Digvijayapandian
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the co-owner of the land comprised in S.No.5/1 at Vengaivasal Village, Tambaram Taluk, Kancheepuram District admeasuring to an extent of 1200 sq.ft of undivided share building to an extent of 1600 sq.ft. There is a passage leading to the second respondent's house and the petitioner was parking his car therein. The second respondent is the builder of the said building and subsequently, he purchased Plot No.17B and thus, he become co-owner of the property. The second respondent started interfering with the parking of the Car of the petitioner and therefore, the petitioner filed a suit in O.S.No.676 of 2011 on the file of the learned District Munsif, Alandur and obtained an order of ad-interim-injunction in I.A.No.1825 of 2011. As a counter blast, the second respondent herein filed a suit in O.S.No.173 of 2013 on the very same Court and obtained an order of ad-interim-injunction in I.A.No.412 of 2013 in respect of the very same property.

3.The grievance expressed by the petitioner is that there is a septic tank in the disputed portion of the land belonging to the second respondent and it is over flowing resulting in heath hazard not only to the residents of the house but also to the neighbours. In this regard, the petitioner also submitted a complaint letter dated 31.03.2015 to the respondent and though, it was received and acknowledged, the petitioner has not been favoured with any response and therefore, he came forward with the present writ petition.

4.Heard the submissions of Mr.N.P.Kumar, learned counsel appearing for the petitioner and Mr.M.Digvijayapandian, learned Additional Government Pleader, who accepts notice for the first respondent.

5.Taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the complaint letter given by the petitioner to the first respondent, this Court, directs the first respondent to consider the letter given by the petitioner dated 31.03.2015, on merits and in accordance with law, after putting on notice to the second respondent and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as the second respondent.

6.The writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To
The Health Officer,
Medavakkam Primary Health Centre,
Medavakkam,
Chennai - 100.

+1cc to Mr.N.P. Kumar, Advocate, S.R.No.25928

+1cc to the Government Pleader, S.R.No.25895

SV(CO)
EU(18/06/2015)

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