

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18559 of 2015

S.Shanmugam

...Petitioner

Versus

1 The District Collector,
Erode District,
Erode.

2 The Executive Engineer,
Lower Bhavani Scheme,
Public Works Department,
Erode-2.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the Respondents 1 and 2 to consider the Petitioner representation dated 13.10.2014 in the light of earlier order passed in No.5338/67-1/Va4 dated 24.04.1967 within time to be stipulated by this Honourable Court.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.V.Subbiah
Special Government Pleader

सत्यमेव जयते
O R D E R

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

2. The petitioner claims that his father was owning 2.13 acres of land in R.S.F.No.600/1, in Punjaikalamangalam Village, Erode District and besides the land there was a water channel. On 20.03.1967, father of the petitioner applied to the the 2nd respondent to construct a over bridge on the channel and in view of the difficulty expressed by the Public Works department, his father on his own expense has put up a over bridge, which is all along used by them to cross over the channel to have access to the fields

in the above said survey number. The petitioner would further state that after the demise of his father, he succeeded to the estate and claims to be in possession and enjoyment of the same and the Assistant Engineer, Water Resources Department, Irrigation Section, Modakurichi, under the guise of removing the encroachment, has demolished the said over bridge and it was also pointed out to the concerned respondent in the form of a representation dated 13.10.2014 and since, no orders have been passed, has filed the present writ petition.

2. Heard the submissions of Mr.S.Gunalan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

3. This Court, in the above facts and circumstances and without going into the merits of the claim projected in this writ petition, permits the petitioner to submit one more representation to the respondents by enclosing a copy of this order as well as the earlier representation dated 13.10.2014, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 and 2 are directed to consider the said representation, in accordance with law, after putting on notice the persons concerned and pass orders, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1 The District Collector,
Erode District,
Erode.

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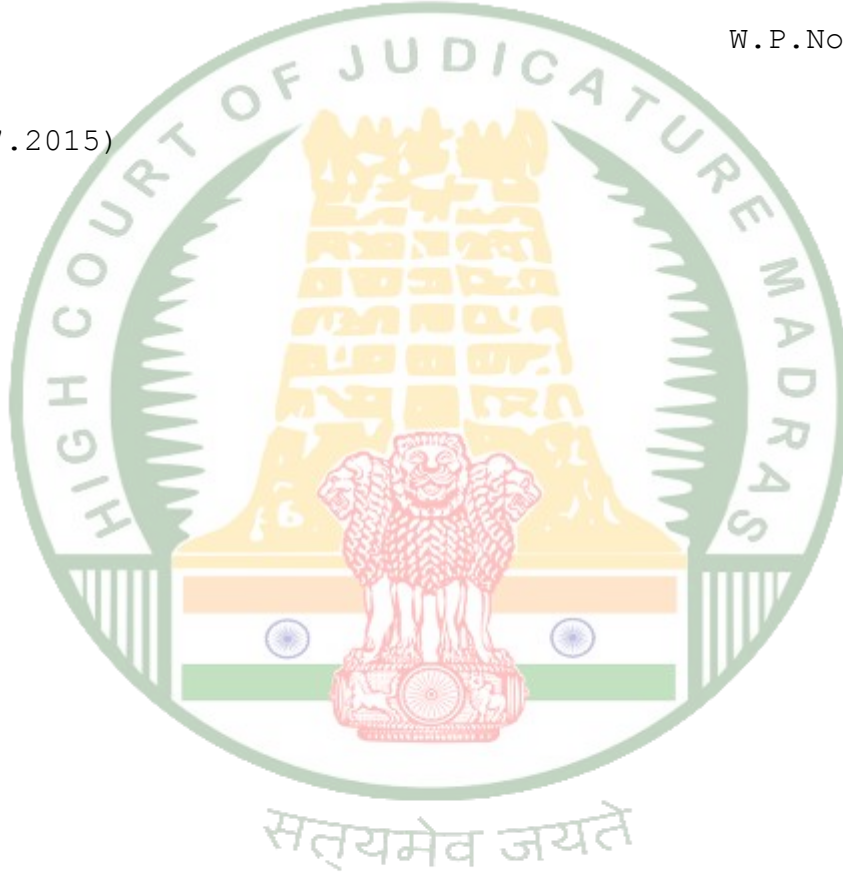
2 The Executive Engineer
Lower Bhavani Scheme
Public Works Department
Erode-2.

1 CC to Mr.S.Gunalan, Advocate SR.No. 31901

1 CC to the Government Pleader, SR.No. 32086

W.P.No.18559 of 2015

VD (CO)
PSI (14.07.2015)



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