

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19032 of 2015

and

M.P.No.1 of 2015

K.Ponnaian

... Petitioner

- Vs -

1. The District Collector,
Namakkal District,
Namakkal.
2. The Executive Engineer,
Public Works Department,
(Water Resource Division),
Sarabanga Basin Division,
Namakkal.
3. The Assistant Executive Engineer,
Public Works Department,
(Water Resource Division),
Sarabanga Basin Sub Division,
Namakkal.
4. The Junior Engineer,
Public Works Department,
(Water Resource Division),
Sarabanga Basin Sub Division,
Namakkal.
5. The Assistant Engineer,
Tamil Nadu Electricity Board,
P.Velur Taluk,
Namakkal District.

... Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents and their men and agents to dig an alternate round-well instead of the round well in S.No.56/1 and change the Electricity Service Connection and the P.V.C. Pipeline to bring the water to the petitioner's land in S.No.829/A at their cost as promised by them.

For Petitioner : Mr.K.K.Senthilvelan

For Respondents : Ms.P.Rajalakshmi, GA for R1 to R4
Mr.S.K.Raameshuwar

ORDER

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

2. The petitioner claims to be an agriculturist. According to the petitioner, he owns agricultural land measuring to an extent of Acre 2.18 Cents in S.No.829/A1 at Vedakaraiyathoor Melmookam Village and the said land is cultivated by drawing water from the round-well located in cauvery river poramboke.

3. The petitioner would state that his father was also cultivating the above land by drawing water from the said round well and his name did find place in the relevant records even prior to 1962. He would further state that his father originally got connection in respect of well situated in S.No.56/1, later on, it became dry. Thereafter, he dug a new round-well in S.No.56/1 and submitted very many representations to the authorities concerned for issuance of a new no objection certificate so as to enable him to draw water from the said well and also made a request to the electricity board for electricity service connection for irrigating the agricultural land comprised in the above survey number. Since no electricity service connection was provided, he was constrained to approach this court by way of writ petition in W.P.No.21238 of 2007 and this court, by order dated 31.12.2007, directed the electricity board to pass orders on the application submitted by the petitioner within a stipulated time and accordingly, the 5th respondent has granted electricity service connection to the petitioner's round well in S.No.56/1. While so, according to the petitioner, the Government of Tamil Nadu took a policy decision to form a park in the locality and in view of the requests made by the respondents, he executed an agreement for pathway to the 2nd respondent on 27.05.2009 giving right to use the pathway which is in his patta land. However, the 3rd

respondent vide his letter dated 17.06.2013 directed the petitioner to shift the round-well, electricity service connection and the pump set to some other place as the Government has decided to form a Boat House in that area. Thereafter, he immediately sent a reply dated 25.06.2013 stating among other things that he has spent more than five lakhs of rupees and has been drawn water all along from the round well in S.No.56/1 for his agricultural operations and prayed for appropriate orders. However, as no response was forthcoming, he submitted representations dated 11.05.2015 and 03.06.2015 to the 1st respondent. Since no orders have been passed on his above representations by the 1st respondent, he came forward with this writ petition.

4. Heard the submissions of Mr.K.K.Senthilvelan, the learned counsel appearing for the petitioner and Mr.P.Rajalakshmi, who accepts notice for the respondents 1 to 4 and also Mr.S.K.Raameshuwar, the learned standing counsel who accepts notice for the 5th respondent and also perused the records carefully.

5. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider the representations of the petitioner dated 11.05.2015 in accordance with law after providing an opportunity of personal hearing to the petitioner and pass orders on merits within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Collector,
Namakkal District,
Namakkal.

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2.The Executive Engineer,
Public Works Department (Water Resource Division),
Sarabanga Basin Division,
Namakkal.

3.The Assistant Executive Engineer,
Public Works Department (Water Resource Division),
Sarabanga Basin Sub Division,
Namakkal.

4.The Junior Engineer,
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5.The Assistant Engineer,
Tamil Nadu Electricity Board,
P.Velur Taluk,
Namakkal District.

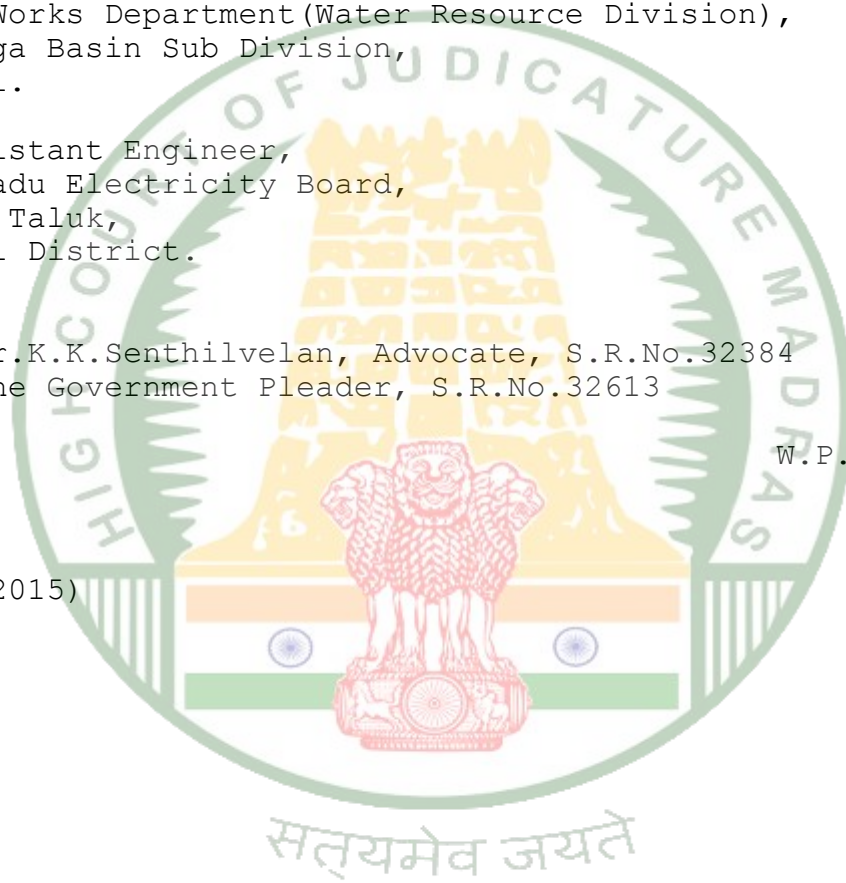
+lcc to Mr.K.K.Senthilvelan, Advocate, S.R.No.32384

+lcc to the Government Pleader, S.R.No.32613

W.P.No.19032 of 2015
and

M.P.No.1 of 2015

VGI (CO)
CA (14/07/2015)



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