

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/7/2015

C O R A M

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.20631 of 2015

V.Subramanian

...

Petitioner

Vs

1. The Commissioner
Municipal Office
Sirkali 609 110.

2. The District Environmental Engineer
Nagapattinam
Nagapattinam 611 001.

3. K. Anbazhagan

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to move and demolish the illegal drainage storage tank put up by the third respondent by considering the petitioner representation dated 27/9/2014 within a reasonable time.

For petitioner

... Mr.B.Vijay

For respondents

... Mr. P.Sanjay Gandhi
Additional Government Pleader
for R.1
Mrs.Rita Chandrasekaran
for R.2.

O R D E R

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.Sanjay Gandhi, learned Additional Government Pleader takes notice for the first respondent. Mrs.Rita Chandrasekaran takes notice for the second respondent.

2. Considering the limited scope of the writ petition, seeking direction to the first respondent to remove and demolish the illegal drainage storage tank put up by the third respondent at Door No.25 E, Indra Nagar, II Street, Thenpadhi, Sirkali, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner, stated to be a resident of Indra Nagar, Thenpadhi, Sirkali, made a representation dated 27th September, 2014, to the first respondent, complaining that the third respondent, without obtaining any permission from the Commissioner, Sirkali/first respondent has constructed a underground drainage storage tank with 40 feet deep adjacent to his property. The first respondent did not heed to the said representation, thus, this writ petition, seeking a direction to the first respondent for taking action in accordance with law, is filed.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the first respondent submits that the afore-stated representation dated 27th September, 2014 of the petitioner shall be examined and necessary consequential action shall be taken in accordance with law on its own merit, after affording opportunity of hearing to the third respondent.

5. In view of the foregoing, the first respondent is accordingly directed to look into the afore-stated representation and take necessary steps, as required under the provisions of law on its own merit, after affording opportunity of hearing to the third respondent. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction and observation, the writ petition stands disposed of. Costs made easy.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mvs.

1. The Commissioner
Municipal Office
Sirkali 609 110.

2. The District Environmental Engineer
Nagapattinam 611 001

1 cc to Government Pleader, Sr. 35157
1 cc to Mr.B. Vijay, Advocate, Sr. 35568
1 cc to M/s. Aiyar and Dolia, Advocte, Sr. 35240

W.P. No.20631 of 2015

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