

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25954 OF 2015

M.Saravanan

[PETITIONER]

Vs

- 1 The Assistant Director
Rural Development Authority
Salem, Salem District.
- 2 The Commissioner
Thalaivasal Union Panchayat
Thalaivasal, Attur Taluk, Salem District.
- 3 The Development Officer
Thalaivasal Union Panchayat
Thalaivasal, Attur Taluk, Salem District.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the second respondent to consider the petitioner's representation dated 24.7.2015.

For Petitioner : Mr.L.Rajendran
For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt. Pleader

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O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is the Ward Member of Tahalaivasal Panchayat Union, Attur Taluk, Salem District. Due to paucity of drinking water in Kattukottai, Thalaivasal Panchayat Union, a resolution was passed on 23.4.2015, on the basis of the letter submitted by the petitioner

to the President of the Thalaivasal Panchayat Union, to dig a new open well in and around Ayarpadi Village, Kattukottai. Accordingly, the second respondent issued a Tender Notification dated 29.06.2015, and one Mr.M.Shanmugam, Kattukotttai, undertook to take up the aforesaid work. The property comprised in Survey No.175/4 to an extent of 0.40.5 hectares in poramboke land was appraised by the Government approved Geologist for formation of 'open well' in Ayarpadi after conducting Geo-Physical survey in the said site.

3.As per the work order issued by the second respondent dated 13.7.2015, when Mr.Shanmugam, Contractor started the work, one Rajendran, Ramesh and Gopal of the Ayarpadi village came to the site and restrained the Contractor from carrying out the work. Therefore, the petitioner submitted a complaint dated 21.07.2015 to the Police authorities to take action against the said person. Till date no action has been taken, hence, the petitioner submitted a representation to the first respondent on 24.7.2015, urging authorities to take action to continue the work of digging a new open well. The first respondent forwarded the said representation to the second respondent and directed him to take action on the petitioner's representation. Since, so far no action has been taken by the second respondent on the representation submitted by the petitioner dated 24.7.2015, the petitioner submitted another representation dated 06.08.2015 to the second respondent. The petitioner has approached this Court by way of this Writ Petition for a direction to the respondents to consider the representation.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5.The submissions made by the learned counsel for the petitioner is that the public interest is being affected because of stopping the public work by some miscreants of the village. Therefore, the petitioner as per law submitted a representation to the first respondent, who in turn forwarded the same to the second respondent. Therefore, it is the bounden duty of the second respondent to pass appropriate orders on the representation submitted by the petitioner dated 24.7.2015.

6.Accordingly, the second respondent is directed to consider the representation of the petitioner dated 24.07.2015, which has been forwarded by the first respondent and take appropriate action for digging the well in the interest of the public, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

- 1 The Assistant Director
Rural Development Authority
Salem, Salem District.
- 2 The Commissioner
Thalaivasal Union Panchayat
Thalaivasal, Attur Taluk, Salem District.
- 3 The Development Officer
Thalaivasal Union Panchayat
Thalaivasal, Attur Taluk, Salem District.

+1 cc to Mr.L.Rajendran, Advocate sr.44163

+1 cc to Government Pleader sr.44156

सत्यमेव जयते

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