

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HON'BLE Mr.JUSTICE M.M.SUNDRESH

W.P.No.18133 of 2014

C.Devaraj

... Petitioner

-vs-

1. The District Collector,
Erode District, Erode.
2. The Executive Engineer (Irrigation)
Public Works Department,
Vendipalayam,
Erode 638 002.
3. The Assistant Executive Engineer (Irrigation)
Public Works Department,
Vendipalayam,
Erode 638 002.
4. The Assistant Engineer,
Public Works Department,
Muthur Road,
Sivagiri 638 109,
Erode District.
5. S.Ramalingam
(R5 impleaded as per order
dt: 23.09.2015 by MMSJ)

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the respondents in anyway granting permission to third parties for laying pipe lines in the cart track at the Survey Nos.390/6, Kagam Village, Erode Taluk and District.

For Petitioner

: Mr.P.Kannan Kumar

For Respondents 1 to 4

: Mr. P. Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition with the grievance that the proposed laying of the pipe line to the land of the fifth respondent, since impleaded as per order dated 23.09.2015, would affect the existing pipe lines.

2. In the counter affidavit filed by the third respondent it has been stated that no decision has been made as of now for granting permission for laying pipe lines. Such permission would be granted only when there is sufficient space for doing so, without disturbing the existing pipe lines. Therefore, it has been stated that if at all any such action has to be taken, the same would be after thorough analysis of the existing position qua the contract.

3. Therefore, the apprehension expressed by the petitioner has been answered in the counter affidavit filed. As of now, there are pipe lines going underneath the cart track. Thus, there is no decision made as on today and if permission is granted by the respondents 1 to 4, then certainly necessary care has to be taken as stated in paragraph-5 (a) of the counter affidavit, to see to it, that there is sufficient space without disturbing the existing pipe lines, in which case, the petitioner cannot be stated to be a person aggrieved.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.
smi

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Erode District, Erode.
2. The Executive Engineer (Irrigation)
Public Works Department,
Vendipalayam, Erode 638 002.

3. The Assistant Executive Engineer (Irrigation)
Public Works Department,
Vendipalayam, Erode 638 002.

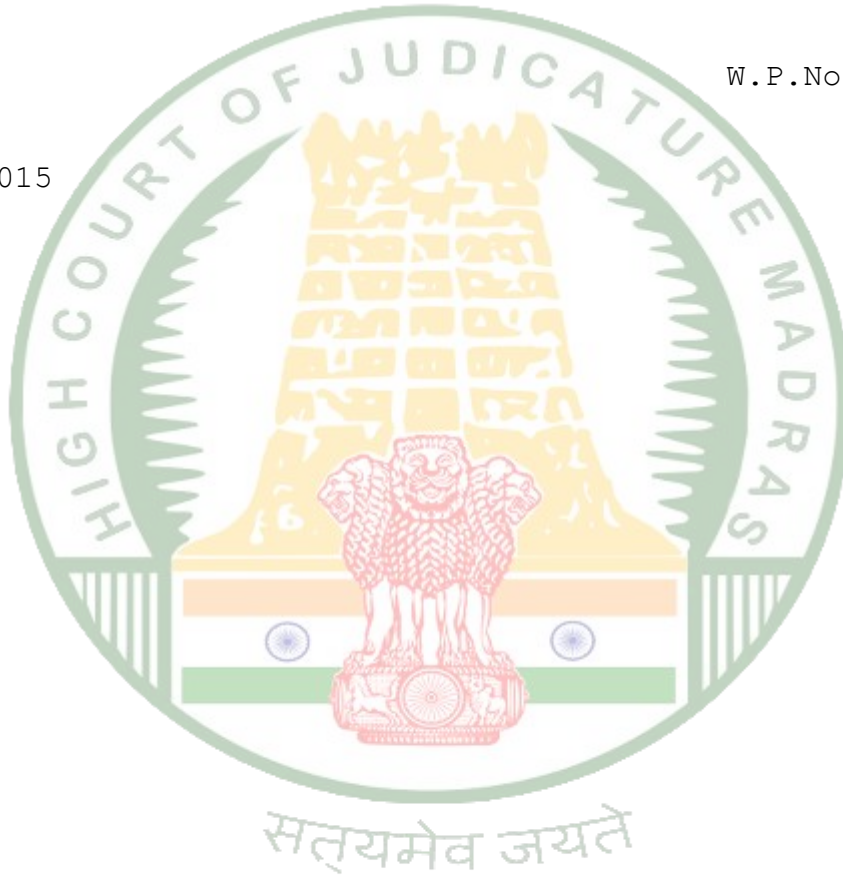
4. The Assistant Engineer,
Public Works Department,
Muthur Road, Sivagiri 638 109,
Erode District.

+1 C.C. To MR.I.C.Vasudevan, Advocate in SR.NO.65679

+1 C.C. To The Government Pleader in SR.NO.65711

W.P.No.18133 of 2014

VSN(CO)
sd : 22/12/2015



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