

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3537 of 2015

And

M.P.No.1 of 2015

1.Lakshmana Konar
2.Govindhan

... Petitioners

Vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Block Development Officer,
Kalasappakkam Panchayat Union,
Kalasappakkam Taluk,
Thiruvannamalai District.

3.The President,
Pattiyandal Village and Veeralur Post,
Panchayat Board,
Kalasappakkam Taluk,
Thiruvannamalai District.

.... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus in the nature of writ forbearing the respondents from erecting Bore in bore well and let out waste water into the land and well of the petitioner in S.No.998/7 extent of 1 acre 17 cents Pattiyandal Village, Kalasappakkam Taluk, Thiruvannamalai District.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.S.Gunasekaran for R1

Government Advocate

Mr.E.R.Premnath for R2 and R3

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3. With the consent of either side, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners have filed this writ petition to forbear the respondents from erecting the bore well and letting out waste water into the petitioners' patta land.

3.Admittedly, the bore well is being erected by the Village Panchayat and it is in public interest. However, the grievance of the petitioners is that they are the neighbouring land owners and they apprehend that if the discharge water from the bore well will be let out to the land, the land may be spoiled. However, no representation was given by the petitioners and they straight away issued legal notice.

4.In my considered opinion, firstly, the petitioners should submit representation to the competent authority and thereafter, if no action is initiated, they should proceed legally.

5.In the light of the above, without going into the merits of the case, there will be a direction to the petitioners to submit fresh representation along with copy of this order to the second respondent and the second respondent shall consider the same and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Block Development Officer,
Kalasappakkam Panchayat Union,
Kalasappakkam Taluk,
Thiruvannamalai District.

3.The President,
Pattiyandal Village and Veeralur Post,
Panchayat Board,
Kalasappakkam Taluk,
Thiruvannamalai District.

1 CC to Mr.R.Margabandhu, Advocate SR.No.7558

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gp/13.2.2015

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