

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2015

CORAM

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

W.P.No.37136 of 2015
and M.P.Nos.1 and 2 of 2015

P.Gandhiraj

... Petitioner

Vs.

1. The Superintending Engineer,
Public Works Department,
Water Resources Organization,
Aliyar Basin Division,
Pollachi,
Coimbatore Districtg,

2. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Aliyar Basin Division,
Pollachi,
Coimbatore District.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records relating to the original impugned proceedings in No.Se.mu.ka.No.tho nu pi/va a/ko.10/330 M dated 5.11.2015 on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.K.Govi Ganesan
For Respondents: Mr.S.V.Duraisolaimalai,
Addl.Govt.Pleader

O R D E R

The petitioner was given permission earlier by the 2nd respondent by proceedings dated 16.12.2013 to take water across the channel. The said permission was rejected by the 2nd respondent by the impugned order dated 5.11.2015 on the ground that there is a complaint registered against the petitioner and he has violated condition No.19 of the permission granted

earlier. Challenging the said order, the present writ petition has been filed by the petitioner.

2. As rightly submitted by the learned counsel appearing for the petitioner, the order impugned has been passed without affording an opportunity of hearing to the petitioner. Certainly, the impugned order has got civil consequences.

3. Therefore, the impugned order is hereby set aside giving liberty to the 2nd respondent to proceed afresh after affording an opportunity of hearing to the petitioner, if so advised. The writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Superintending Engineer,
Public Works Department,
Water Resources Organization,
Aliyar Basin Division,
Pollachi,
Coimbatore District,
2. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Aliyar Basin Division,
Pollachi, Coimbatore District.

+1cc to Mr.K.Goviganesan, Advocator Sr.63029

+ 1 cc to The Govt.Pleader, Sr 63182 (8/1/16)

W.P.No.37136 of 2015

nm[co]
srg 23/11/2015

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