



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Writ Petition (MD) No.13677 of 2015

KALIMUTHU

.. Petitioner

Vs.

- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY, ST. GEORGE FORT,
CHENNAI.
2. THE DISTRICT COLLECTOR,
MADURAI DISTRICT, MADURAI.
3. THE REVENUE DIVISIONAL
OFFICER, MADURAI DISTRICT, MADURAI.
4. THE TAHSILDAR,
MADURAI EAST, MADURAI DISTRICT.
5. THE ASSISTANT DIRECTOR
OF PANCHAYAT, MADURAI DISTRICT, MADURAI.
6. THE BLOCK DEVELOPMENT
OFFICER, MADURAI EAST, DISTRICT,
PANCHAYAT UNION OFFICE, MADURAI DISTRICT.
7. THE ARUMBANOOR PANCHAYAT,
REP. BY ITS PRESIDENT, ARUMBANOOR,
MADURAI EAST TALUK,
MADURAI DISTRICT.
8. THE PUTHUPATTI PANCHAYAT,
REP. BY ITS PRESIDENT, PUTHUPATTI,
MADURAI EAST TALUK, MADURAI DISTRICT.
9. THE NARASINGAM PANCHAYAT,
REP. BY ITS PRESIDENT, NARASINGAM,
MADURAI EAST TALUK, MADURAI DISTRICT.
10. THE KATHAKINARU
PANCHAYAT, REP. BY ITS PRESIDENT,
KATHAKINARU, MADURAI EAST TALUK,
MADURAI DISTRICT.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents No.1 to 6 to initiate appropriate action against the persons who are illegally drawing water in the jurisdiction of respondents No.7 to 10th Panchayat by considering the representation dated 08.06.2013 within a time stipulated by this Court.



For petitioner ...Mr.R.Gandhi
For Respondents ...Mr.M.Rajarajan
Government Advocate

O R D E R

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This writ petition has been filed praying this Court for issuance of a Writ of Mandamus directing the respondents No.1 to 6 to initiate appropriate action against the persons who are illegally drawing water in the jurisdiction of respondents No.7 to 10th Panchayat by considering the representation dated 08.06.2013 within a stipulated time.

2.The petitioner herein is a native of Othakadai Panchayat and his residence situated in and around Narasingam, Puthupatti, Arumpanur, Kadhakinaru, Mangalakudi and Kadachananthal Villages. Recently, the ground water level in this area has got depilated. They could not even get water from their bore wells. The villagers residing within the jurisdiction of respondent No.7 to 10 are facing acute water shortage due to the illegal drawing of water by several persons without obtaining any permission from the authorities. Hence, the petitioner has given a representation to the respondents 1 to 6. Thereafter, the petitioner had also sent representations to the respondent No.7 to 10. But the respondents have not taken any action. Hence, the petitioner has come forward with this writ petition.

3.Heard the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.Though the petitioner has sought for a positive direction to the respondents Nos.1 to 6, to initiate appropriate action against the persons who are illegally drawing water, I am of the view such a direction cannot be given in this writ petition, because this Court is not conducting any roving enquiry on the averments made by the petitioner. However, I am of the opinion, a direction can be issued to the respondents, to consider the representation sent by him.

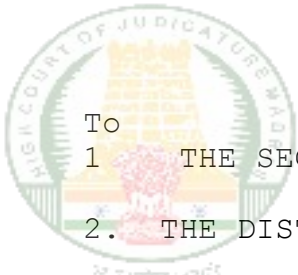
5.Accordingly, without going into the merits of the averments made in the writ petition, this Court directs the second respondent to consider the representation of the petitioner, dated 08.06.2013 and pass appropriate orders on merits and in accordance with law. The petitioner is also directed to give a copy of the representation dated 08.06.2013 along with the copy of this order to the second respondent. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. THE SECRETARY, ST. GEORGE FORT, CHENNAI.
2. THE DISTRICT COLLECTOR, MADURAI DISTRICT, MADURAI.
3. THE REVENUE DIVISIONAL OFFICER,
MADURAI DISTRICT, MADURAI.
4. THE TAHSILDAR, MADURAI EAST, MADURAI DISTRICT.
5. THE ASSISTANT DIRECTOR OF PANCHAYAT, MADURAI DISTRICT, MADURAI.
6. THE BLOCK DEVELOPMENT OFFICER, MADURAI EAST, DISTRICT,
PANCHAYAT UNION OFFICE, MADURAI DISTRICT.
7. THE PRESIDENT, ARUMBANOOR PANCHAYAT,
ARUMBANOOR, MADURAI EAST TALUK,
MADURAI DISTRICT.
8. THE PRESIDENT, PUTHUPATTI PANCHAYAT,
PUTHUPATTI, MADURAI EAST TALUK, MADURAI DISTRICT.
9. THE PRESIDENT, NARASINGAM PANCHAYAT,
NARASINGAM, MADURAI EAST TALUK, MADURAI DISTRICT.
10. THE PRESIDENT, KATHAKINARU PANCHAYAT,
KATHAKINARU, MADURAI EAST TALUK,
MADURAI DISTRICT.

Rj2

SR : 21.08.2015 : 3p/11c

W.P. (MD) No.13677 of 2015
05.08.2015