

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11097 of 2016

K.Chinnatambi

.. Petitioner

Vs.

The Thasildar,
Kadayampatti Thasildar Office,
Kadayampatti,
Salem District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to issue the order of permission to dig the Well in the petitioner's cultivating land measuring 1 acre in Survey No.122/11D, situated in Kanchanayaganpatti Village, Kadayampatti Taluk in Salem District, as per the petitioner's representation, dated 28.02.2016.

For Petitioner : Mr.M.Thamizhavel

For Respondent : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to issue the order of permission to dig a Well in the petitioner's cultivating land measuring 1 acre in Survey No.122/11D, situated in Kanchanayaganpatti Village, Kadayampatti Taluk in Salem District, as per the petitioner's representation, dated 28.02.2016.

2. It is the case of the petitioner that he is the owner of the above said cultivable land, which was purchased by him on 30.03.2012 from his father, namely Krishnan through registered sale deed, bearing Document No.3163/2012; the patta stands in the name of his father. It is stated by the petitioner that the said cultivable land is the only source of income to him. In the said cultivable land, the petitioner has been cultivating ragi, maize and millet only one time per year and since the said land is dry land, he is not able to cultivate the above grains due to lack of water. Therefore, he decided to dig a Well in the said land, for which, he approached the respondent on several occasions seeking permission, which was not considered by the respondent, inspite of the petitioner producing relevant documents in support of his

claim. Therefore, he sent a representation, dated 28.02.2016 to the respondent for the above permission. Since the same is still pending, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Considering the above factual aspects of the matter, without going into the merits or otherwise of the case, this Court directs the respondent to consider the said representation of the petitioner, dated 28.02.2016, conduct enquiry and give an opportunity of personal hearing to the petitioner and other necessary parties and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondent to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

cs

To

The Thasildar,
Kadayampatti Thasildar Office,
Kadayampatti,
Salem District.

1 cc to Government Pleader, Sr. 18981

1 cc to Mr.M. Thamizhavel, Advocate, Sr. 18793

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KGK (CO)
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