

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1381 of 2016

1.K.Karuppudaiyar

2.A.Thangaraj

.. Petitioners

V.

1.The Commissioner of Town & Country Planning,
807, Anna Salai, Chennai 600 002.

2.The District Collector, Salem - 636 006.

3.The Deputy Director of Town & Country Planning,
Salem Region, Salem District - 636 005.

4.The Block Development Officer,
Salem Cuddalore Main Road,
Valappady Post, Valappady Taluk
Salem District - 636 115.

5.M.S.Nawas

6.K.L.Periyasamy

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 3 herein, to consider the representation dated 31.08.2015 seeking to remove the obstruction made by the 5th and 6th respondents in the canal running nearby their land situated in S.No.336/2 Kuruchi Village, Valappady Taluk, Salem District to enable free flow of water to the wet agricultural lands of the petitioners and other Kuruchi Village Agriculturalist.

For Petitioner

.. Mr.Muthumani Doraisami

For Respondents 1 to 4

.. Mr.S.Diwakar

Additional Government Pleader

ORDER

The petitioners have filed this writ petition praying for issuance of a writ of mandamus to direct the respondents 1 to 3 to consider his representation dated 31.08.2015 and remove the obstruction alleged to have been caused by the 5th and 6th respondents.

2.The petitioners would state that the 5th respondent is the President of the Village Panchayat and he has caused obstruction to the free flow of water in the canal. Since action was not initiated by the 3rd respondent, the petitioners submitted representations to the 1st respondent on 04.06.2015, 10.07.2015 and 31.08.2015. These representations have been forwarded by the 1st respondent to the 3rd respondent, vide proceedings dated 30.10.2015 with a further direction to initiate appropriate action and the petitioners informed of the action taken. The petitioners grievance is that inspite of the same, there is no appreciable action taken by the 3rd respondent, which has compelled the petitioners to approach this Court by way of this writ petition.

3.In view of the order proposed to be passed in this writ petition at the admission stage, notice to the 5th and 6th respondents is not necessary as the merits of the allegations made by the petitioners as against the 5th and 6th respondents are not gone into and it is left open to the official respondents to take note of the same.

4.In the light of the facts and circumstances of the case, there will be a direction to the 3rd respondent to consider the petitioners representation dated 31.08.2015 on merits and in accordance with law, after notice to all concerned within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Commissioner of Town & Country Planning,
807, Anna Salai, Chennai 600 002.

2.The District Collector,
Salem - 636 006.

3.The Deputy Director of Town & Country Planning,
Salem Region, Salem District - 636 005.

4.The Block Development Officer,
Salem Cuddalore Main Road,
Valappady Post, Valappady Taluk
Salem District - 636 115.

+1cc to M/S.Muthumari Doraisami, Advocate, S.R.No.2552

+1cc to the Government Pleader, S.R.No.2724

W.P.No.1381 of 2016

sv (CO)
srg (27/01/2016)



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