

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.16611 of 2016

P.Dhandapani

...Petitioner

Vs.

1 The District Collector
Tiruppur District
Tiruppur.

2 The Commissioner
Dharapuram Municipality
Dharapuram

3 Lakshmi ...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider petitioner's representation dated 22.12.2015.

For Petitioner : Mr.N.Ponraj

For Respondents 1 & 2 : Mr.P.S.Sivashanmuga Sundaram,
Spl.G.P

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This Writ Petition is filed seeking issuance of a direction to the 2nd respondent to consider the petitioner's representation dated 22.12.2015.

2. The petitioner, who claims to be the resident of T.S.No.205/2A/1/A2, Alangiyam Road, Dharapuram Town, Tiruppur District, has approached the 2nd respondent against the encroachment in the sewerage and municipal pathway on T.S.No.80

in Block No.22 of Ward No.6 of the Dharapuram Municipality, by the 3rd respondent. The petitioner in the said representation sought necessary action by the Revenue Department against the said encroachment stating that in view of the above said encroachment on the sewerage and pathway, the drainage water and rain water could not go from the petitioner's house and the stagnated drainage water is causing serious problems. He further submits that the said Municipal pathway is the only access to his house as well as the neighbours and thus ingress and egress to their houses from the Main Road is affected.

3. The learned counsel appearing for the petitioner submits that the petitioner's representation dated 22.12.2015 is still pending before the 2nd respondent and no action has been taken till date.

4. The learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2, submits that the second respondent may be directed to do the needful in this regard.

5. Taking into consideration the submission made on either side, we are of the view that the second respondent authority is duty bound to take necessary action as against the representation submitted by the petitioner in respect of encroachment in the Municipal pathway.

6. Since the Writ Petition is disposed of in the admission stage itself, the petitioner is directed to serve notice on the third respondent forthwith. The petitioner shall also submit a copy of this order along with one more representation to the 1st and 2nd respondent, within 15 days from the date of receipt of a copy of this order, who, in turn, shall hold enquiry and after affording sufficient opportunity to the 3rd respondent, shall take necessary steps in respect of illegal encroachments, if any, within two months thereafter. It is for the 1st and 2nd respondent-authorities to do the needful on the representation made by the petitioner seeking necessary action against encroachment in the Municipal pathway, after affording sufficient opportunity to the parties concerned.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nvsri

To

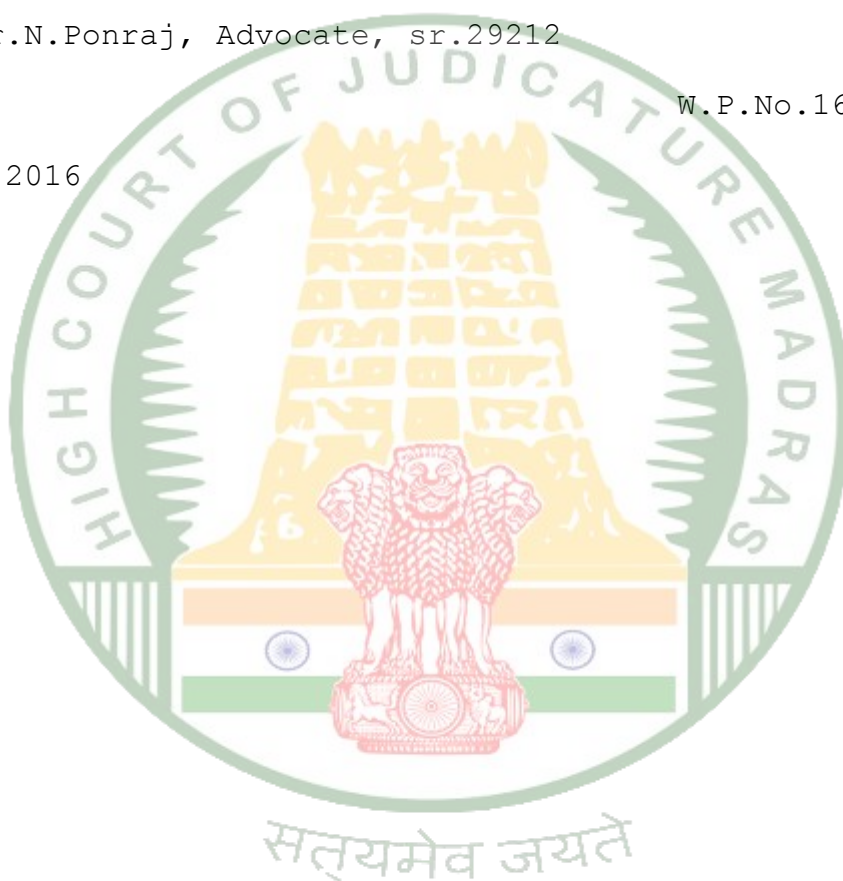
1 The District Collector
Tiruppur District
Tiruppur.

2 The Commissioner
Dharapuram Municipality
Dharapuram

1 cc to Mr.N.Ponraj, Advocate, sr.29212

W.P.No.16611 of 2016

vs co
kra 15.06.2016



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