

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.36117 of 2015
and
M.P.No.1 of 2015

S.Babu (a) Pandurangan

... Petitioner

Vs.

1. The Executive Engineer,
Public Works Department,
Water Resource Office,
Upper Palar Block,
Vellore - 632 006.
 2. The Assistant Executive Engineer,
Public Works Department,
Water Resource Office,
Upper Palar Block,
Ranipet, Vellore - 632 401.
- Respondents

Prayer:-

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to provide the petitioner with 150 m³ of river sand for the proposed construction of the petitioner's residential house in S.F.No.266 Devikapuram Village, Thottalam Panchayat, Madhanur Post, Ambur Taluk, Vellore District, in furtherance of the first respondent's letter, dated 03.07.2015, bearing No.164M/VA/KO.101 Manal/2015.

For Petitioner : Mr.S.Anil Sandheep

For Respondent : Mr.T.N.Rajagopalan
Special Government Pleader

O R D E R

The prayer in this Writ Petition is for issuance of Writ of Mandamus upon the second respondent to provide river sand for the proposed construction of the petitioner's residential house, comprised in S.F.No.266, at Devikapuram Village, Thottalam Panchayat, Madhanur Post, Ambur Taluk, Vellore District, in furtherance of the first respondent's letter, dated 03.07.2015.

2. The case of the petitioner, as seen from the affidavit, filed in support of this Writ Petition is that, he is the absolute owner of the property, morefully described in preamble portion of this order. He decided to put up a residential house, for which purpose, he also obtained all necessary approvals and permits from all statutory authorities concerned. To carry out construction work, the petitioner is in need of river sand, hence, he made an application, dated 19.06.2015, before the first respondent/Executive Engineer, Public Works Department. The first respondent also, vide letter, dated 03.07.2015, considered the said application, and he directed the petitioner to approach the second respondent/Assistant Executive Engineer, P.W.D., and obtain necessary river sand on payment of requisite fees. Pursuant to the said direction, the petitioner together with required documents and fees, approached the second respondent on many occasions. But the second respondent has not considered the petitioner's prayer, and has been procrastinating the matter for the reasons best known to him. Even the representation, dated 10.10.2015 made by the petitioner in this regard to the second respondent evoked no response. Hence, the petitioner is constrained to approach this Court, seeking for the prayer, as stated supra.

3. When the matter was taken up on an earlier occasion, i.e. on 24.11.2015, learned Special Government Pleader for respondents has submitted that, the petitioner has not approached the second respondent so far. Learned counsel appearing for the petitioner refuted the said submission by stating that the petitioner approached the second respondent along with demand drafts to effect payment for the supply of river sand, but, the same was refused to be received by the second respondent. Therefore, this Court, without going into the veracity of such submissions made on either side, so as to give quietus to the issue, directed the petitioner to approach the second respondent onceagain on 25.11.2015, at around 11.00

a.m. along with demand draft, and to report the outcome of the same before this Court on 27.11.2015. Thereafter, when the matter was taken up again on 30.11.2015, it was reported that, though as per this Court's direction, the petitioner approached the second respondent, due to heavy rain, the second respondent was not in a position to meet with the petitioner's prayer, hence, the learned Special Government Pleader for respondents sought further time.

4. Today, when the matter is taken up, learned Special Government Pleader for respondents has produced a copy of the letter of the first respondent, dated 07.01.2016, addressed to the petitioner, wherein, it is stated that, necessary instructions have been issued to the Assistant Executive Engineer, (viz., the second respondent herein) and also to the sales personnel working at Perungalmedu sand quarry site to consider the petitioner's prayer. Therefore, learned Special Government Pleader submits that, if the petitioner now approaches the second respondent for supply of the river sand, his prayer would be considered. The aforesaid letter, dated 07.01.2016, is placed on record.

5. In the result, this Writ Petition is disposed of, by directing the petitioner to approach the second respondent, who, in turn, is directed to consider the claim of the petitioner and act in accordance with law forthwith, without any hassle. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Executive Engineer,
Public Works Department,
Water Resource Office,
Upper Palar Block,
Vellore - 632 006.

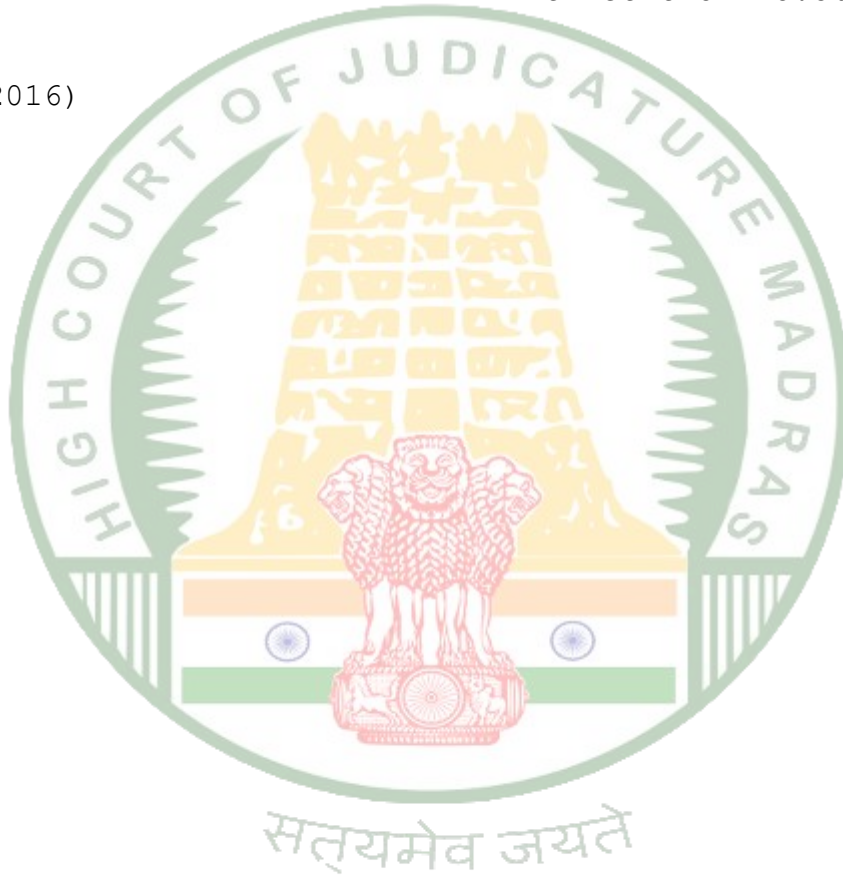
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2. The Assistant Executive Engineer,
Public Works Department,
Water Resource Office,
Upper Palar Block,
Ranipet, Vellore - 632 401.

+1cc to Mr.S.Anil Sandheep, Advocate, S.R.No.2565
+1cc to the Government Pleader, S.R.No.2248

Writ Petition No.36117 of 2015

KK(CO)
CA(27/01/2016)



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