

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G. RAMESH
AND
THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

Writ Petition No.38271 of 2016

Koothan

.. Petitioner

Vs.

1. The Director,
Town and Country Planning,
Salem.
2. The District Collector,
District Collector Office,
Salem.
3. The Revenue Divisional Officer,
Mettur.
4. The Tahsildar,
Tahsildar Office,
Omalur, Salem.
5. The Village Administrative Officer,
Omalur Village,
Salem.
6. The Panchayat President,
Kottaimariyamman Koil Panchayat,
Melkamadapatti,
Omalur, Salem.
7. The Block Development Officer,
Omalur, Salem.

8. Dhanasekaran

9. Raja

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, to direct the

respondents 1 to 7 to demolish the illegal construction and conversion of agricultural lands by the 8th and 9th respondents herein in Survey No.6/2, Melkamandapatti, Pachanampatti Post, Omalur Village, Salem District.

For Petitioner : Mr.G.Surya Narayanan

For Respondents 1 to 7 : Mr.P.S.Shivashanmugasundaram,
Special Government Pleader

O R D E R

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

The petitioner has come up with this Writ Petition for a direction to the respondents 1 to 7 to demolish the illegal construction and the conversion of agricultural lands by the 8th and 9th respondents herein in Survey No.6/2, Melkamandapatti, Pachanampatti Post, Omalur Village, Salem District.

2. According to the petitioner, he is the owner of the property in S.No.6/1, Melkamandapatti, Pachanampatti Post, Omalur Village, Salem District, carrying on agricultural activities by growing corn, cereals and ground nut and is dependent on the said land and agriculture for his livelihood. It is his grievance that the 8th and 9th respondents, who are his adjacent land owners, started to convert the agricultural land into house sites and are putting up some construction, whereby, the waste from their land runs into his land and spoils the agricultural activities carried on by him. In this regard, the petitioner made a representation dated 12.09.2015 to the respondents 2 to 7 and a representation dated 29.09.2015 to the 1st respondent requesting to take immediate action to stop such illegal conversion of agricultural lands by respondents 8 and 9.

3. It is the further case of the petitioner that the 8th and 9th respondents had not applied for any permission for conversion of agricultural land into housing plots and also for construction of houses. Hence, he pleads that if the 8th and 9th respondents are not prevented from putting up further construction in the adjacent land, he will be put to irreparable loss and hardship.

4. Heard the learned counsel for the parties.

5. Learned counsel for the petitioner contended that letting out sewage water by the 8th and 9th respondents into the petitioner's agricultural land is ultimately damaging his crops and causing loss to him.

6. Mr.P.S.Shivashanmugasundaram, learned Special

Government Pleader appearing for respondents 1 to 7 submitted that pursuant to the notice issued by this Court, respondents 1 to 7 are taking necessary steps to redress the grievance of the petitioner.

7. The only grievance of the petitioner is that sewage water from the adjacent building flows into his agricultural land, thereby damaging his crops and to put an end to it, he is before this Court seeking a direction to the authorities concerned to demolish the illegal construction put up by respondents 8 and 9.

8. In such view of the matter, this Court directs the 7th respondent/Block Development Officer, Omalur, Salem to look into the petitioner's case and take necessary steps to prevent sewage water flow into the petitioner's land, at the earliest and to that extent, the 8th and 9th respondents are directed to construct proper sewage tank in their land and ensure that sewage water from their building does not flow into the petitioner's land. However, it is made clear that if the construction put up by 8th and 9th respondents is not in accordance with the sanction plan, if any, it is for the authorities concerned to take steps to do the needful in accordance with law.

With the above direction and observation, this Writ Petition is disposed of. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To:

1. The Director,
Town and Country Planning, Salem.
2. The District Collector,
District Collector Office, Salem.

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3. The Revenue Divisional Officer, Mettur.

4. The Tahsildar,
Tahsildar Office, Omalur, Salem.

5. The Village Administrative Officer,
Omalur Village, Salem.

6. The Panchayat President,
Kottaimariyamman Koil Panchayat,
Melkamadapatti, Omalur, Salem.

7. The Block Development Officer,
Omalur, Salem.

1 cc to Mr.G.Surya Narayanan, Advocate, sr.50520

W.P.No.38271 of 2015

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kra 28.09.2016



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