

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.30171 of 2016

K.S.Senthilnathan

... Petitioner

-Vs-

1. The District Collector,
O/o.The District Collector Office,
Erode District, Erode.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Erode District, Erode.
3. The Tahsildar,
O/o.Tahsildar Office,
Modakkurichi, Modakkurichi Taluk,
Erode District.
4. The Executive Engineer,
Water Resources Management Dept.,
Public Works Department, Erode,
Erode Taluk, Erode District.
5. The Block Development Officer,
O/o.The Block Development Office,
Modakkurichi, Modakkurichi Taluk,
Erode District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents herein to consider and pass orders on the representation of the petitioner dated 29.06.2016 by affording opportunity to all concerned.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.M.K.Subramanian
Government Pleader for RR 1 to 4
: Mr.Akhil Akbar for R-5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it transpires that as per the petitioner, who was the ex-chairman of the Modakkurichi Panchayat Union from 2001 to 2006, during the said period a pond is stated to have been constructed. The petitioner makes a grievance that now a part of the pond area is being utilised to extend the cart track. The plan produced by the respondents shows that this cart track is on the edge of the pond and it is the claim of the respondents that this provides access to S.No.582/1. On the other hand, the petitioner states that there are alternative cart tracks available and the allegation of the respondents that there is some personal interest on account of the land owned by his brother, is not correct.

2.The petitioner also submits that he has made a representation dated 29.06.2016, which remained unattended. It is his case that the contract has been awarded without any tender by the fifth respondent/ the Block Development Officer.

3.In view of the aforesaid facts and circumstances, we are of the view that a direction be issued for the representation of the petitioner dated 29.06.2016 to be decided within a period of one (1) month of the receipt of the order, after notice to all concerned. Needless to say that no water area can be encroached upon. We may also observe that we would expect that any tender to be awarded would meet the requirements of the Tamil Nadu Transparency in Tenders Act, 1998.

4.Writ petition, accordingly, stands disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
O/o.The District Collector Office,
Erode District, Erode.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Erode District, Erode.
3. The Tahsildar,
O/o.Tahsildar Office, Modakkurichi,
Modakkurichi Taluk, Erode District.
4. The Executive Engineer,
Water Resources Management Dept.,
Public Works Department, Erode,
Erode Taluk, Erode District.
5. The Block Development Officer,
O/o.The Block Development Office,
Modakkurichi, Modakkurichi Taluk,
Erode District.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.49037
+1cc to the Government Pleader, S.R.No.49125

W.P.No.30171 of 2016

TRM(CO)
CA(14/09/2016)



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