

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4067 of 2016
and W.M.P.No.3408 of 2016

P.Nallasamy

... Petitioner

vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

3.The Divisional Engineer,
Water Resources Department,
Amaravathi Basin Division,
Dharapuram, Tiruppur District.

4.The Divisional Engineer (O&M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Dharapuram, Tiruppur District.

5.Muthuraman

... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 29.1.2016 within a stipulated time as this Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Karthikeyan,
Government Advocate.

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider his written representation dated 29.1.2016, on merits, within a stipulated time as this Court fixes.

2. It is the case of the petitioner that he is an agriculturist and is having agricultural land in S.No.1456/2 at Sankarandampalayam Village, Dharapuram Taluk, Tiruppur District measuring to an extent of 1.75 acres. In the same village, he is also having another land situated in R.S.No.963/2 & 3. Since he is not able to draw water from his borewell for irrigation purpose which is situated in R.S.No.963/2 and 3, he decided to get water from another borewell dug in S.No.1456/2. Hence, after obtaining prior permission, he laid pipeline from Sankarandampalayam through poromboke land and is taking water from one land to another land. Though as many as 5000 pipelines have been laid through the Government Poromboke by the people of the said village, the fifth respondent, in the capacity of Tahsildar, colluded with one Kanakaraj and is taking steps to remove his pipeline, even though the petitioner made several representations by pointing out the persons, who have laid pipeline in the Government Poromboke land. Even though the said persons have not obtained any prior permission for laying the pipeline in the Government Poromboke land, the first respondent did not take any action against them. However, the revenue officials are taking steps to remove the petitioner's pipeline alone. In this regard, the petitioner made a written representation dated 29.1.2016 before the first respondent. But, the first respondent has not considered the same and did not take any action. Hence, the petition.

3. I have heard the learned Government Advocate, who has taken notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the written representation of the petitioner dated 29.1.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the

first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.
- 3.The Divisional Engineer,
Water Resources Department,
Amaravathi Basin Division,
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- 4.The Divisional Engineer (O&M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Dharapuram, Tiruppur District.

1cc to The Governmentd Pleader, Sr.7197
+1cc to Mr.C.Prakasam, Advocate Sr.7207

W.P.No.4067 of 2016

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srg 08/02/2016

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