

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4068 of 2016

S.Doraisamy

.. Petitioner

Vs.

The Junior Engineer,
Public Works Department,
Parambikulam Aaliyar Project,
Pongalur,
Tiruppur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to grant permission to put up small culvert by putting the cement slab over and above the Branch canal of Parambilulam-Aliyar Project namely Nagalingapuram Branch Canal on the junction at the entrance of S.Nos.48 & 49 of South Avinashipalayam Village, Tiruppur Taluk.

For Petitioner : Mr.V.Elangovan

For respondent : Mr.P.Karthikeyan
Government Advocate

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of a Writ of Mandamus to grant permission to put up small culvert by putting the cement slab over and above the Branch canal of Parambilulam-Aliyar Project namely Nagalingapuram Branch Canal on the junction at the entrance of S.Nos.48 & 49 of South Avinashipalayam Village, Tiruppur Taluk.

3. The petitioner is the owner of the agricultural property situated in S.No.48 of south Avinashipalayam Village, Tiruppur Taluk. The petitioner is doing cultivation in the land situated 200 meters away from Nachipalayam Koduvai Road. There is a 16 feet width pathway through the Survey No.49 owned by S.Gandhimathi. On the eastern side of S.No.49 and on the western side of Nachipalyam Koduvai Road, a branch canal of Parambikulam - Aliyar Project namely Nagalingapuram Branch Canal runs north to south just 3 meters away from the said

Nachipalayam Koduvai Road. The water will be released in the said branch canal once in two years for a period of three months. The petitioner cannot take any vehicle such as tractor or lorry to the above said land across the said canal. The petitioner and others are using the adjacent land in S.No.47, which is a dry land. Now the owner of the land in S.No.47 have put up a fence. There is no way to go their land. Hence there is no possibility to take the tractor and lorry to petitioner's land. Hence the petitioner thought of putting up a small culvert across the PWD Canal. With regard to the same, the petitioner has made a representation to the respondent. Since the respondent has not considered the petitioner's representation dated 29.01.2016, the petitioner has come up with this Writ Petition.

4. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that if direction is given to consider representation dated 29.01.2016, that would suffice.

5. In view of the submission of the learned counsel for the petitioner and without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider and dispose of the representation dated 29.01.2016 on merits and in accordance with law, by affording opportunity of personal hearing to the petitioners within a period of one week from the date of receipt of copy of a order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssd
To
The Junior Engineer,
Public Works Department,
Parambikulam Aaliyar Project,
Pongalur,
Tiruppur District.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.6936
+1cc to the Government Pleader, S.R.No.7186

SV(CO)
EU(4/02/2016)

W.P.No.4068 of 2016.