

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4714 of 2016

K.Satheesh

... Petitioner

Vs.

1. The Tahsildar,
Vikkiravandi Taluk,
Villupuram District.

2. The Block Development Officer,
Vikkiravandi Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to put up fencing around the temple tank and its shore situated at Survey No.64, Arumpuli Village, Vikkiravandi Taluk, Villupuram District.

For Petitioner : Mr.K.Gajendiran

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader
for R-1

Mr.S.Gunasekaran,
Government Advocate for R-2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to put up fencing around the Temple tank and its shore situated at Survey No.64, Arumpuli Village, Vikkiravandi Taluk, Villupuram District.

2. The petitioner is a resident of Arumpuli Village, in which, there is a Temple with tank in Survey No.64 and the public used to visit the Temple and tank. It is the case of the

petitioner that third parties belonging to political parties, encroached the tank shore and put up toilet for their use. Because of such illegal action, the public is unable to use the tank. In this regard, the petitioner gave several complaints to Police and also to Revenue Department. At last, in respect of the petitioner's representation, dated 07.08.2015, the Tahsildar gave a reply, dated 30.09.2015, stating that there is no encroachment as per the report given to him by his subordinates and also stated for put up fencing for preventing encroachment in the Temple tank, an application has to be given to the concerned authority. It is the grievance of the petitioner that the subordinates of the Tahsildar have not properly visited the place and at the instigation of the political persons, the subordinates of the first respondent gave false reply. As per the direction of the first respondent, the petitioner approached the second respondent and requested to put up fencing around the Temple tank and its shore, but the second respondent did not take any action. It is the further grievance of the petitioner that in order to avoid pollution in the Temple tank and since it is the water source for the nearly people, the petitioner has filed this Writ Petition for the above relief.

3. When the Writ Petition is taken up for consideration, it is reported by the learned Additional Government Pleader and learned Government Advocate appearing for the respective respondents that since, inspite of communication sent to the second respondent, the second respondent has not chosen to give any instructions, this Court, on 23.02.2016 directed the second respondent to appear in person before this Court on 03.03.2016, on which date, the second respondent appeared in person before this Court. It is submitted on behalf of the respondents that the jurisdictional Block Development Officer of the area in question is Block Development Officer, Kaanai, Villupuram District, and not the Block Development Officer, Vikkiravandi, Villupuram District. It is also submitted on behalf of the respondents that if the petitioner gives a fresh representation to the Block Development Officer, Kaanai, Villupuram District, the same will be considered.

4. Taking into consideration the above submissions made and without going into the merits of the case, this Court directs the petitioner to submit a fresh representation to the Block Development Officer, Kaanai, Villupuram District, stating the grievances stated in this Writ Petition, within a period of one week from the date of receipt of a copy of this order, and on such representation, the Block Development Officer, Kaanai, Villupuram District, is directed to consider the said representation and after giving an opportunity of hearing to the petitioner and other necessary parties, pass appropriate orders

and dispose of the said representation, on merits and in accordance with law, within a period of four weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Tahsildar,
Vikkiravandi Taluk,
Villupuram District.
2. The Block Development Officer,
Vikkiravandi Taluk,
Villupuram District.
3. The Block Development Officer,
Kaanai, Villupuram District.

+1cc to Mr.S.Gunasekaran, Advocate, S.R.No.14351
+1cc to Mr.K.Gajendiran, Advocate, S.R.No.13987
+1cc to the Government Pleader, S.R.No.14298

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VSN(CO)
CA(18/03/2016)

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