

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5025 of 2016 and W.M.P. No.4386 of 2016

Murugesan

Petitioner

Vs.

1 The Junior Engineer
Public Works Department
Water Resources Organisation
Sarabanga River Basin Division
Talaivasal - 636 112
Salem District

2 Sudha
President
Puliankurichi Village Panchayat
Puliankurichi - 636 101
Gangavalli Taluk
Salem District

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to take action on the petitioner's representation dated 19 December 2015.

For petitioner Mr. T. Murugamanickam
Mrs. A. Srijayanthi
Spl. Government pleader for R1

Ms.M.E. Rani Selvam,
Standing Counsel for R2

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mrs. M.E. Rani Selvam, learned Standing Counsel, accepts notice for the second respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2.This writ petition is filed seeking a writ of mandamus directing the first respondent to take action on the petitioner's representation dated 19 December 2015.

3.According to the petitioner, he is an agriculturist. He irrigates his lands using the water from the channel, which originates from Suvedha River river and leads to Puliankurichi water tank, maintained by the Public Works Department. While so, the second respondent, who is the Panchayat President, for her personal gain, allegedly attempted to dig an open well in the middle of the water channel. This fact was brought to the notice of the first respondent, viz., the Junior Engineer - Public Works Department, by way of representation dated 19 December 2015, who has turned deaf ears to the same. Owing to the inaction on the part of the first respondent, the second respondent is making further attempts to digging of open well in the water channel. Hence, the instant writ petition seeking the aforestated relief.

Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, the writ petition is disposed of directing the first respondent to consider and pass orders on the petitioner's representation on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that an opportunity of hearing be afforded to the second respondent, before initiating any coercive action, if need be. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

cad
To

1. The Junior Engineer Public Works Department
Water Resources Organisation
Sarabanga River Basin Division
Talaivasal - 636 112, Salem District
2. The President Puliankurichi Village,
Gangavalli Taluk, Salem District.

+ 1 cc to MR.T. Murugamanickam, Advocate Sr.10119

W.P. No.5025 of 2016

SKV(CO)
Eu 26.02.16