

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5101 of 2016
and WMP.No.4437 of 2016

K.Ramasamy

.. Petitioner

Vs.

- 1.The District Collector
Tiruppur, Tiruppur District
- 2.The Chief Engineer
Department of National Highways
Chepauk, Chennai.
- 3.The Divisional Engineer
Office of Divisional Engineer
Department of National Highways
Dharapuram, Tiruppur District.
- 4.The Assistant Divisional Engineer
Department of National Highways
Maduthukulam, Tiruppur District
- 5.The Assistant Engineer
Department of National Highways
Maduthukulam, Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondent authorities from disconnecting the underground water pipe line comprised in S.No.238/2,208 situated at North Shankaramanallur Village, Madhthukulam Taluk, Tiruppur District.

For Petitioner : M/s.K.Myilsamy

For respondents : M/s.M.Dig Vijay Pandian,
AddlGovt.Pleader.

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 writ of mandamus forbearing the respondent authorities from disconnecting the underground water pipe line comprised in S.No.238/2,208 situated at North Shankaramanallur Village, Madhuthukulam Taluk, Tiruppur District.

3.The case of the petitioner is that the agricultural land admeasuring to an extent of 3.22acres comprised in S.No.237/2A, 155/1F, 237/2 situated at North Shankaramanallut Village, Madhuthukulam Taluk, Tiruppur District was absolutely belong to the petitioner by virtue of registered partition deed dated 03.04.2014 bearing Document No.1296/14 on the file of the SRO, Kaniyur. The petitioner is also one of the joint owner of the well comprised in S.No.155/1F, from the date of partition he is in continuous separate possession and enjoyment of the said land. The petitioner is using the well water in S.No.155/1F for agricultural purposes. The highways road comprised in S.No.238/2 and 208 were running in the middle of the land as stated supra and the well. The well water has to reach the agricultural land only by crossing the highway road. The well water has been supplied to the agricultural land through pipelines, since 1990. The petitioner was using the well water for the purpose of irrigation and drinking purposes.

4.That being so, the respondents 3 to 5 very often entering into the properties of the petitioner without obtaining any permission, thereby threatening to disconnect the underground pipe lines. The respondents are duty bound to issue show cause notice to the petitioner before entering into his property, by giving valid reasons. The petitioner sent a representation dated 02.02.2016 requesting the respondents not to disconnect the under ground water pipe line. After receiving the representation also, the respondents are threatening the petitioner continuously and trying to disconnect the under ground water pipeline. Hence, the petitioner filed the present writ petition.

5.The learned Additional Government Pleader produced a copy of the letter dated 12.02.2016 issued by the fourth respondent in Na.Ka.No.60/2016/A1, it is stated therein if the petitioner submits the following documents (i.e.,) (1)Application Form (2) Certificate issued by the Tahsildar for paying tax to the water pipeline path (3)Chitta, Adangal (4)FMB sketch (5)Certificate issued by the Tahsildar and (6)payment of road maintenance tax as fixed by the Highways Department, then the respondents will consider the request made by the petitioner.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

7. In view of the submission made by the learned Additional Government Pleader, this Court directs the petitioner to approach the fourth respondent along with the documents as stated above, within a period of two weeks from the date of receipt of a copy of this order, on such receipt of documents from the petitioner, the fourth respondent is directed to issue appropriate orders within a period of six weeks, thereon.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Tiruppur, Tiruppur District
2. The Chief Engineer
Department of National Highways
Chepauk, Chennai.
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Maduthukulam, Tiruppur District
5. The Assistant Engineer
Department of National Highways
Maduthukulam, Tiruppur District.

+ 1 cc to Government Pleader, High Court, Madras SR 9833

rsk(co)
prk2/3

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