

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7532 of 2016

C.Nesalingam

... Petitioner

Vs

1. The District Collector  
Erode District  
Erode.

2. The President  
46 Pudhur Panchayat  
Erode Taluk and District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to consider and pass orders on the representation of the petitioner dated 13/1/2016 by affording opportunity to all concerned authorities.

For Petitioner : Mr.S.Kaithamalai Kumaran

For respondents : Mr.V.Jayaprakash Narayanan  
Special Government Pleader  
for R.1.

Mr.K.Karthikeyan for R.2

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.S.Kaithamalai Kumar, learned counsel for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the first respondent and Mr.K.Karthikeyan, learned counsel for the second respondent.

3. This writ petition has been filed praying to direct the first respondent to consider and pass orders on the

representation of the petitioner dated 13/1/2016 by affording opportunity to all concerned authorities.

4. The case of the petitioner is that the second respondent had launched a scheme in the name of "Podhigai Drinking Water Scheme" in the year 2013, for providing drinking water, to the people in and around Pudhur Panchayat, as the people in and around Panchayat were suffering from acute shortage of water, in spite of sinking borewells across the Panchayat. Instead of putting up a open well on the bank of Cauvery river, to draw water for the scheme, the second respondent had put up well on the bank of Kalingarayan canal and the seepage water from the canal used to be collected in the open well put up by the second respondent and from the said well only the water would be drawn and supplied. The water drawn from Kalingarayan canal is found to be highly contaminated.

5. Hence the petitioner had made a representation to the first respondent, dated 13/1/2016. But the first respondent neither directed the second respondent to implement the original scheme nor had restrained the second respondent herein from implementing the new scheme. Since the first respondent has not taken any action, the petitioner has come up with the present writ petition praying for the relief as stated therein.

6. Without going into the merits of the claim of the petitioner, the petitioner is hereby directed, to give a fresh representation to the first respondent, along with a copy of this order, within a period of two weeks, from the date of receipt of a copy of this order and on receipt of the same, the first respondent is hereby directed to consider the representation of the petitioner and pass an appropriate order, on merits and in accordance with law, within a period of eight weeks, thereafter, by affording an opportunity of personal hearing to the petitioner, as well as to all the necessary parties concerned. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mvs.

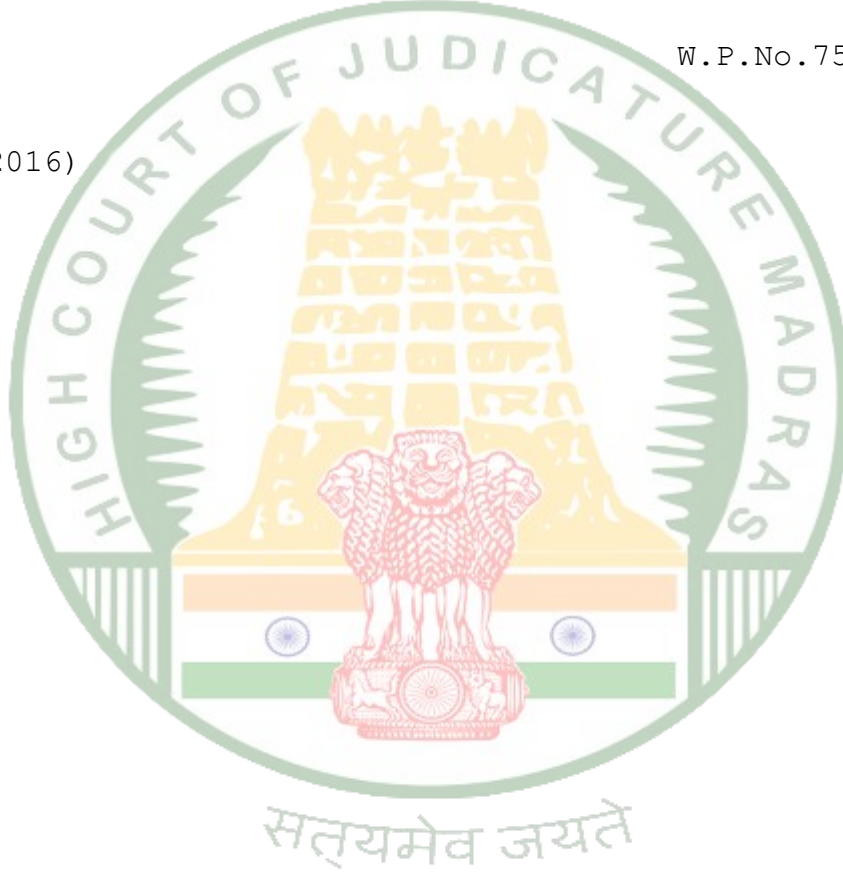
To

1. The District Collector,  
Erode District, Erode.
2. The President  
46 Pudhur Panchayat,  
Erode Taluk and District.

+lcc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.16715

W.P.No.7532 of 2016

MSM(CO)  
CA(31/03/2016)



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