

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8190 of 2016

S.Sundaram

.. Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The Block Development Officer,
Mallasamuthiram, Namakkal District.
3. Mr.S.Kandasamy,
The President, Vandinathham Panchayat,
Thiruchengode Taluk, Namakkal District.
4. Ranganathan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner's representation, dated 15.02.2016 and pass appropriate order on merits.

For Petitioner : Mr.K.Anbarasan

For Respondents : Mr.M.Dig Vijay Pandian,
Addl.G.P. for RR-1 & 2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner's representation, dated 15.02.2016 and pass appropriate orders on merits.

2. It is the case of the petitioner that he is a resident of Pallar Palayam Village, Vandinatham Avinasipatty Post, Thiruchengode Taluk and an agriculturist. In the village, there are two lakes, namely 'Periya Eri' and 'Chinna Eri', which are adjoining and inter-connected. These two lakes are the main source of ground water to the adjoining villages. For the past

15 years, these two lakes have not been cleaned by the Government and the Village Panchayat, as a result of which, these two lakes are filled with bushes and thorn trees--"Seemai Karuvella Maram" and the capacity of water storage in these lakes, gets depleted. The District Forest Officer assessed the value of the said trees and bushes at Rs.5,90,199/-. A tender/auction was held on 15.12.2015 in the presence of the second respondent. The fourth respondent, being a close relative of the third respondent, offered Rs.6,05,000/- for cutting the trees and he was declared as the successful bidder and permitted to uproot the trees and bushes within three months from that date. It is the further case of the petitioner that the bushes and 10-15 year trees in 100 acres of land, actually worth about Rs.25 lakhs to Rs.30 lakhs. Immediately, the villagers, public and some of the Ward Members of the Village Panchayat objected to the said above said auction/tender and protested the same. In this regard, the petitioner made a representation, dated 15.02.2016 to the first and second respondents and though the said representation has been received by the respondents 1 and 2 on 16.02.2016 and 17.02.2016 respectively, till date, the said representation has not been considered. Hence, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. In view of the order that is going to be passed by this Court, it is not necessary to issue notice to the third and fourth respondents.

5. Considering the limited scope of the prayer made in the Writ Petition, without going into the merits of the case, this Court directs the first respondent to consider the said representation, dated 15.02.2016 of the petitioner and after giving an opportunity of personal hearing to the petitioner and necessary parties, including the third and fourth respondents, pass appropriate orders and dispose of the said representation, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

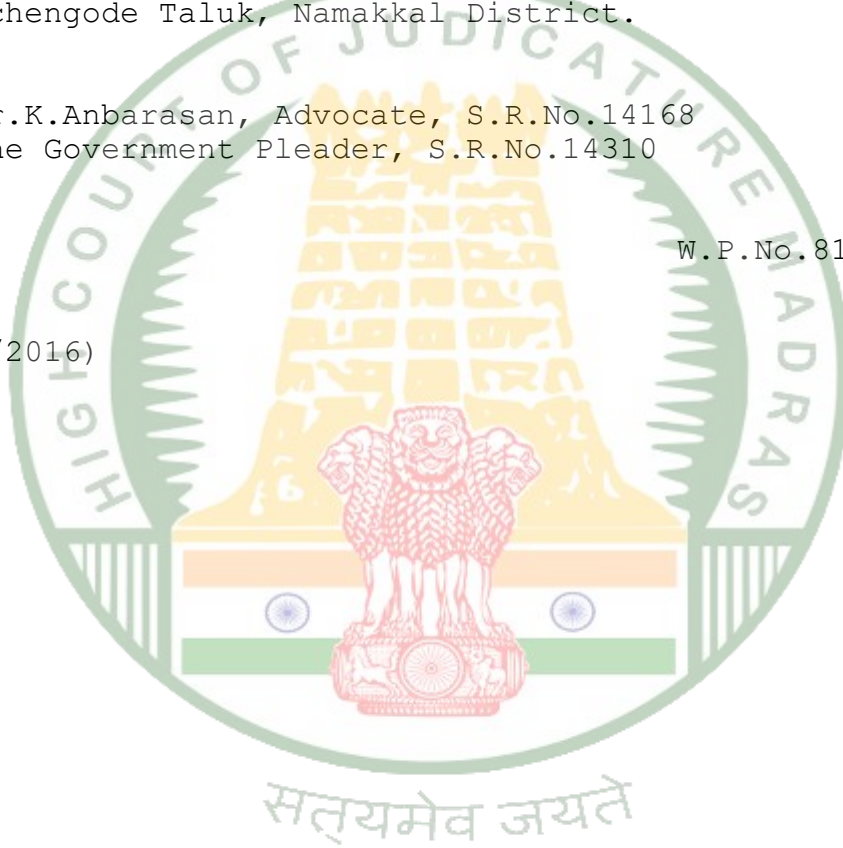
Copy to

1. The District Collector,
Namakkal District, Namakkal.
2. The Block Development Officer,
Mallasamuthiram, Namakkal District.
3. The President, Vandinathham Panchayat,
Thiruchengode Taluk, Namakkal District.

+1cc to Mr.K.Anbarasan, Advocate, S.R.No.14168
+1cc to the Government Pleader, S.R.No.14310

W.P.No.8190 of 2016

ppa (CO)
srg (14/03/2016)



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