

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8698 of 2016

M.Kulandai Gounder

.. Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

3. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai.

4. R.Velu

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the representations, dated 31.08.2015 and 12.10.2015 with respect to the removal of underground pipeline laid in public road by the fourth respondent at Sorakulathur Village, Tiruvannamalai Taluk and District.

For Petitioner : Mr.P.Mani

For Respondent : Mr.P.Sanjay Gandhi,
Addl.G.P. for RR-1 to 3

ORDER

The petitioner has filed the above Writ Petition for issuance of a Writ of Mandamus to direct the first respondent to consider the representations, dated 31.08.2015 and 12.10.2015 with respect to the removal of underground pipeline laid in public road by the fourth respondent at Sorakulathur Village, Tiruvannamalai Taluk and District.

2. It is the case of the petitioner that he is an agriculturist. The fourth respondent is the petitioner's adjacent land owner. The fourth respondent dug a deep bore-well in his land adjacent to the petitioner's land and well and irrigating his far away lands from the said bore-well through underground pipeline running through the public road. Very often, the underground pipeline is getting damaged and the water from the damaged pipeline flows through the public road, because of which, the public road is being damaged and pits are formed. The petitioner and the general public are finding it very difficult to use the road. It is the grievance of the petitioner that the fourth respondent laid the said underground pipeline without getting proper permission from the first respondent and without complying with the necessary conditions for laying private pipeline in the public road. Hence, the petitioner has submitted a representation, dated 31.08.2015, followed by another representation, dated 12.10.2015 to the first respondent. Since the said representations are pending, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides. In view of the order that is going to be passed in this Writ Petition, it is not necessary to give notice to the fourth respondent.

4. Considering the limited scope of the prayer made in the Writ Petition, this Court directs the petitioner to give copies of the said representations, dated 31.08.2015 and 12.10.2015 to the first respondent, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order. On receipt of the copies of those representations, the first respondent is directed to consider the same and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, including the fourth respondent, pass appropriate orders and dispose of the said representations, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the first respondent to decide the same.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.
3. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai.

+1cc to Mr.P.Mani, Advocate, S.R.No.13091
+1cc to the Government Pleader, S.R.No.15324

W.P.No.8698 of 2016

scd(CO)
srg(18/03/2016)

सत्यमेव जयते

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