

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.8700 of 2016

K.A.Shanmugasundaram

... Petitioner

Vs

1. The District Collector
Namakkal District
Namakkal.

2. The Mallasamudram Special Grade
Town panchayat
rep. By its Executive Officer
Mallasamudram
Namakkal 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 respondents to forthwith consider and pass orders on the representation of the petitioner dated 4/2/2013 and the reminder dated 5/2/2015.

For Petitioner ... Mr.K.Selvaraj

For respondent ... Mr.P.Sanjay Gandhi
Additional Government Pleader

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.K.Selvaraj, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents.

3. This writ petition has been filed praying to direct the respondents, to forthwith consider and pass orders on the representation of the petitioner, dated 4/2/2013 and the reminder, dated 5/2/2015.

4. The case of the petitioner is that the petitioner and the other residents of Vaikuntham road, Kalipatti Post, Tiruchengode Taluk are paying property tax to the respondents. As on date, there is no ditch to drain the domestic waste water from the said street and therefore, the domestic waste water from the residential houses stagnate near the house of the petitioner. Due to the stagnation of the waste water, mosquitoes breed in the waste water, resulting in serious health hazards such as typhoid, malaria and other mosquito borne diseases to the family members of the petitioner and to the other residents. Hence the petitioner had made a representation to the respondents on 4/2/2013, but the respondents had not passed any order. Hence the petitioner was constrained to send a reminder, dated 5/2/2015, to the respondents. Since the same has not been considered till date, the petitioner has come forward with the present writ petition, praying for the relief as stated therein.

5. 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, within a period of one week, 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 four 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 petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

mvs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector
Namakkal District
Namakkal.

2. The Executive Officer
Mallasamudram Special Grade Town panchayat
Mallasamudram
Namakkal District.

+ 1 cc to Mr.K.Selvaraj, Advocate, SR 16462

+ 1 cc to Govt.Pleader, High Court, Madras SR 16639

vgi(co)
prk1/4

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