

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9622 of 2016
and W.M.P.No.8652 of 2016

D.Parasuraman

... Petitioner

Vs.

1. The Executive Engineer,
W.R.O. Upper Palar Basin Division,
P.W.D., Vellore-632 006.
2. The Additional Director,
Rural Development/Project Director,
District Rural Development Agency,
Vellore-632 009.
3. The Block Development Officer,
Arcot Panchayat Union,
Arcot.

.. Respondents

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 consider the representation, dated 05.03.2016 and pass appropriate orders within the time as may be stipulated by this Court.

For petitioner : Mr.W.M.Abdul Majeed

For respondents : Mrs.P.Rajalakshmi,
Govt. Advocate for RR-1 & 2
Mr.A.Mohamed Mushtak for R-3

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ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation, dated 05.03.2016 and pass appropriate orders within the time as may be stipulated by this Court.

2. It is the case of the petitioner that he is a resident of Manguppam Village comprised in Nandiallam Village Panchayat of Arcot Panchayat Union, Vellore District and he is an agriculturist owning 4.11 acres of land in the village situated in Kollamedu part of the said village. A canal belonging to Water Resources Organisation of State Public Works Department, runs from West to East in the middle of the village and it carries rain water to the Nandiallam Lake. A road laid in concrete, runs parallel to the said canal on the South of the canal. Further South, the village of Manguppam is situated, wherein hundreds of houses are situated. The agricultural lands of the village are situated on the North of the said canal and this portion is called as Kollaimeedu. There is a Mariamman Temple situated on the North side of the canal in the Kollaimeedu portion of the village. It is further stated by the petitioner that the villagers have to climb down nearly 8 to 10 feet, walk through the canal and again climb 8 to 10 feet to reach their lands. Normally, the villagers use the pathway abutting Mariamman Temple so as to reach their lands situated on the North of the canal.

3. It is the further case of the petitioner that one Mahalingam of the village has 8 acres of agricultural land abutting the canal on the North and beyond East of the Temple. The said land is a private land. While so, the third respondent under the Namakku Name Scheme, at the cost of Rs.10 lakhs, has proposed to construct a culvert (small bridge) across the canal and at the behest of the said individual, the third respondent is planning to construct the said culvert by connecting Manguppam village on the South with that of the private lands of the said individual situated on the North of the canal. The proposed culvert will straight away lead anyone from the village only to the private lands. As only one individual is likely to be benefited by the proposed culvert, the rest of the villagers cannot pass through the said private land, as they could not reach either Mariamman Temple which is very far away on the East of the said lands or to the usual pathway which is on the further West beyond the Temple.

4. It is the grievance of the petitioner that the villagers of Manguppam village are in dire need of a culvert to connect the village on the South of the canal to their lands and Mariamman Temple situated on the North of the canal. The old people, women and children find it difficult to climb down and climb up to reach their destination. During rainy season, due to flow of water, the villagers have to travel 3 Kms. to another village and cross the canal. The villagers usually cross the canal near Mariamman Temple point and pass through Mariamman Temple and reach the usual pathway on the East of Mariamman Temple so as to reach their lands situated in Kollamedu portion

of the village. Hence, a culvert at Mariamman Temple will be ideally suited for all the villagers and general public, for having free ingress and egress over the WRO Canal and easy connection between Manguppam village on the South of the canal and Kollamedu and Mariamman Temple on the North of the canal.

5. Ventilating the above grievance, the petitioner sent a representation, dated 11.09.2015 to the respondents. Based on the said representation, the first respondent sent a reply, dated 20.10.2015 stating that no such construction can be carried out without the permission of the first respondent. The second respondent, by letter dated 23.09.2015, directed the third respondent to take action on the complaint with regard to the construction of the said culvert. The third respondent started digging pits and other works for the purpose of construction of culvert across the WRO canal running from West to East so as to connect Manguppam village on the South and the private lands on the North of the canal. In spite of the advice of the first respondent, the third respondent is going ahead and putting up construction of a culvert across the WRO canal in Manguppam village only to benefit some individuals so as to facilitate them to have access to their lands, completely ignoring the fact that there is no benefit to anyone of the villagers. In this regard, the petitioner also sent a representation, dated 05.03.2016 to the respondents to stop such construction of culvert which benefits only one individual and to construct a culvert at Mariamman Temple point, so as to benefit the entire village and the public at large. Since no action is taken, the petitioner has filed the Writ Petition for the above relief.

6. Heard both sides.

7. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the said representation, dated 05.03.2016 of the petitioner, conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. 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 respondents to decide the same.

8. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Copy to

1. The Executive Engineer,
W.R.O. Upper Palar Basin Division,
P.W.D., Vellore-632 006.
2. The Additional Director,
Rural Development/Project Director,
District Rural Development Agency,
Vellore-632 009.
3. The Block Development Officer,
Arcot Panchayat Union,
Arcot.

+1cc to M/S.A.Mohamed Mushtak, Advocate, S.R.No.21066

+1cc to M/S.W.M.Abdul Majeed, Advocate, S.R.No.21023

W.P.No.9622 of 2016

sns (CO)
srg (06/04/2016)

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