



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.1798 of 2013

S.Noordheen

... Petitioner

-VS-

1.The District Collector
Tuticorin

2.The Thasildhar
Kovilpatti
Tuticorin District

3.Shakeela Banu
(R3 is impleaded vide order dated
26.09.2016, passed in M.P.(MD)
No.1 of 2013)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st respondent to take appropriate actions to remove the encroachments made in the public drainage and Government Poromboke Lands situated at Melatheru, Thulukkarpatti Kovilpatti Taluk, Tuticorin District, by considering the petitioner's representation, dated 18.12.2012.

For Petitioner : Mr.S.Jana Alias B.Janath Ahmed

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader for R1 and R2

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents 1 and 2 and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.



2. The petitioner claims to be a resident of Door No.3/76, Melatheru, Thulukkarpatti, Kovilpatti Taluk, Tuticorin District, for the past sixty years and according to him, behind his house as well as the houses of his neighbors, there is a Government Poromboke land, through which the drainage water is being excreted and so far as the Local Body is concerned, **drainage facility is yet to be provided for the said locality.**

3. The grievance expressed by the petitioner is that the third respondent by way of putting up a construction in the said Poromboke land, which is an unauthorized one, totally blocked the drainage facility and in this regard he has submitted a representation, dated 18.12.2012, to the respondents 1 and 2 and despite receipt of the same, they have not taken any action and hence he has filed this writ petition.

4. When the matter came up for hearing on 31.01.2013, it was adjourned to implead the necessary party and accordingly the petitioner filed a miscellaneous petition, in M.P.(MD) No.1 of 2013, to implead one Shakeela Banu, who is alleged to have encroached the Government Poromboke land, as a party to the proceedings and the said petition has been ordered today and the proposed respondent has been impleaded as third respondent in this writ petition.

5. The learned counsel for the petitioner would submit that admittedly the Local Body concerned has not provided drainage facility or other facilities in the petitioner's locality and the Government Poromboke land is being used for drainage purpose and even in the said land, the third respondent has put up an unauthorized construction and blocked the drainage facility totally and therefore prays for appropriate orders.

6. Per contra, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2, on instructions from the Deputy Thasildar, Kovilpatti, who is present today before this Court, would submit that necessary instructions would be given to the Local Body concerned to take action in respect of removing the alleged encroachment in terms of Section 131(2) of the Tamil Nadu Panchayats Act, 1994.

7. This Court has carefully considered the rival submissions and perused the materials produced.

8. It is a specific case of the petitioner that Local Body concerned has not provided drainage facility or other facilities in his locality and in the considered opinion of this Court, this is a very serious issue for the reason that despite this country had Independence about 69 years back, the very basic facilities /



amenities are yet to be provided and therefore this Court directs the Secretary to Government, Rural Development Department or the concerned administrative department, to look into the said issue and take expeditious steps to address the said grievance.

9. Insofar as the prayer sought for by the petitioner is concerned, the President-cum-Executive Authority, Thulukkarpatti Panchayat, is directed to take action as to the alleged encroachment made by the third respondent in terms of Section 131 (2) of Tamil Nadu Panchayats Act, 1994 and after putting the third respondent on notice shall pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this Order and communicate the decision taken to the petitioner as well as the third respondent.

10. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

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To:

1.The District Collector, Tuticorin.

2.The Thasildhar, Kovilpatti,
Tuticorin District.

3 The President, Thulukkarpatti Panchayat,
Kovilpatti Taluk, Tuticorin.

4 The Secretary to Government,
Rural Development Department,
Secretariat, Chennai- 600 009.

+1CC to M/S.Jana @ Janath Ahmed, Advocate Sr.No.56320

+1CC to Spl.Government Pleader Sr.No.56400

GJM/SK.SKN/14.10.16-3P-7C

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