

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.5785 of 2017

and W.M.P.Nos.6188 and 6189 of 2017

M.Madheswari ... Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Block Development Officer,
Erumapatti Panchayat Union,
Erumapatti,
Sendamangalam Taluk,
Namakkal District.

3.The Executive Officer,
Muthukapatti Village Panchayat,
Sendamangalam Taluk,
Namakkal District.

... Respondents

Prayer:- Writ petition is filed under Article 226 of the Constitution of India praying to issue writ of Certiorarified Mandamus to call for the records pertaining to the impugned order made in the Grievance Day Petition No.2017/09/0213/DST/50958 dated 21.02.2017 and 17.02.2017 passed by the respondents and 1 and 2 respectively, quash the same and consequently direct the respondents to grant permission or not to interfere with the petitioner's right to sink bore well into the existing ground level well bearing S.F.No.76/2D, Pudukomabi Village, Sendamangalam Taluk, Namakkal District by considering her petition dated 13.02.2017.

For Petitioner : M/s.N.Manokaran

For Respondents : Mr.S.Diwakar,
Special Government Pleader (For R1)
Mr.M.Perumal (For R2 & R3)

ORDER

Heard Mr.N.Manokaran, learned counsel appearing for the petitioner, Mr.S.Diwakar, learned Special Government Pleader appearing for the first respondent and Mr.M.Perumal, learned counsel appearing for the respondents 2 and 3.

2.By the impugned order, the request of the petitioner for erection of borewell was declined on the premise that it would affect the public borewell.

3.As submitted by the learned counsel appearing for the petitioner the said orders have been passed without affording an opportunity to the petitioner.

4.In such view of the matter, without going into the merits of the case, the impugned orders are set aside and consequently, the first respondent is directed to conduct an enquiry after due notice to the parties concerned and thereafter pass a speaking order within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The Block Development Officer,
Erumapatti Panchayat Union,
Erumapatti,
Sendamangalam Taluk,
Namakkal District.

3.The Executive Officer,
Muthukapatti Village Panchayat,
Sendamangalam Taluk,
Namakkal District.

+1 cc to M/s.N.Manokaran,advocate,sr.22498

+1 cc to Govt.Pleader,sr.22726.

kj(co)
krd 21/4

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and W.M.P.Nos.6188 and
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