

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S.VAIDYANATHAN

WP No.14486 of 2017

1 KANTHAMMAL @ MUNIYAMMAL [PETITIONER]

Vs

1 THE DISTRICT COLLECTOR [RESPONDENTS]
TIRUVALLUR DISTRICT, TIRUVALLUR

2 THE PROJECT OFFICER
DISTRICT RURAL DEVELOPMENT AGENCY, POONDI
PANCHAYAT UNION, COLLECTORATE, TIRUVALLUR

Writ petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the respective affidavits filed their with the High Court will pleased to issue a writ of Mandamus order or direction in the nature of a writ, forbearing the respondents from constructing the vent by let out the water inflow through the petitioners patta land situated in S.No.246/4, Attrambakkam Village, Odappai Post, Uthukottai Taluk, Tiruvallur District (in WP No.14486 of 2017)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. C.PRAKASAM, Advocate for the petitioner and of MR.VENKATARAMANI, Additional Advocate General FOR MR.P.V.SELVAKUMAR, Additional Government Pleader on behalf of the 1 & 2 Respondents the court made the following order:-

Mr.Venkataramani, learned Additional Advocate General, assisted by Mr.P.V.Selvakumar, learned Additional Government Pleader, appearing for the respondents has submitted that the respondents have received the instructions only on the date of inspection.

2. Mr.Amrith Bhargav, learned Advocate Commissioner submitted that instructions were given about the inspection and the officials from the respondents guided him to inspect the place in question. The learned Advocate Commissioner further submitted that he has

dispatched the notice on 24.10.2017 itself about the inspection and the same was received by the petitioner on 25.10.2017 and Mr.P.V.Selvakumar, learned Additional Government Pleader, received the notice on 26.10.2017.

3. It is represented by the learned counsel for the respondents that the officials had received the notice, but it was not given prior to the date of inspection. The learned Additional Advocate General has requested for one more inspection in their presence, so that the place can be re-inspected.

4. This Court requests the learned Advocate Commissioner to conduct fresh inspection in the place in question in the presence of all the parties and submit a fresh report. The Advocate Commissioner shall fix a date and intimate the same to all the parties concerned well in advance. The Cell Nos. of the counsel on record and both parties should be furnished to the learned Advocate Commissioner in order to call and send SMS through whatsapp for fixing the date of inspection.

5. The first respondent / the District Collector, Tiruvallur, shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the learned Advocate Commissioner, for the fresh inspection to be conducted as they did not appear for the inspection which has taken place earlier.

6. Post the matter on 20.11.2017. The learned Advocate Commissioner shall file fresh report by then.

-sd/-
01/11/2017
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
TIRUVALLUR DISTRICT, TIRUVALLUR

2 THE PROJECT OFFICER,
DISTRICT RURAL DEVELOPMENT AGENCY,
POONDI PANCHAYAT UNION,
COLLECTORATE, TIRUVALLUR.

3 MR.AMIRTH BHARGAV
ADVOCATE COMMISSIONER
OLD NO.11, NEW NO.21, I
CROSS STREET, TRUST PURAM, KODAMBAKKAM,
CHENNAI-24.

4. THE GOVERNMENT PLEADER,
HIGH COURT, MADRAS

C.C. to M/S. C.PRAKASAM Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

in
WP.14486/2017

Date :01/11/2017

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VC (07/11/2017)