

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17089/2017

S.Seetha

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Petitioner

Vs

1.The District Collector
Salem District, Salem.

2.The Tahsildar
Salem West, Suramangalam
Salem.

3.The Commissioner
Salem Corporation
Salem.

4.K.Maniammal

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st, 2nd and 3rd respondent to consider the Original Petition dated 04.04.2017 filed by the petitioner before the 2nd respondent herein, as per the Government Order in G.O.[Ms].No.540 – Revenue [LD6[2]] Department dated 04.12.2014 for the removal of the Encroachment in the Sewage

canal, by the 4th respondent herein and consequently to direct the 2nd and 3rd respondents to remove the compound wall constructed on the sewage canal by the 4th respondent, by way of encroachment and to clear the blocked drainage line comprised in Survey TS.No.3, in Ward-A, Block 77 to restore the link of this said drainage line with the main drainage system comprised in survey TS.No.3 in Ward-A, Block 77, within the Corporation limit of Salem Corporation.

For Petitioner : Mr.P.K.Rajesh Praveen KUMar
 For R1&R2 : Mr.M.Elumalai, GA
 For R3 : Mr.S.Diwakar, Standing Counsel

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Elumalai, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 and Mr.S.Diwakar, learned Standing Counsel accepts notice on behalf of the 3rd respondent – Salem Corporation.

2 The petitioner claims that she is a resident of Door No.6/215, Arumugam Colony [Opposite to Theyagaraja Polytechnic], Salem-5 and originally, the property belonged to her mother Tmt.P.L.Unnamalai and after her demise on 19.01.2005, the petitioner

continued to reside in the said property. The grievance expressed by the petitioner is that each construction in the said Colony is having a drainage line connected to the common drainage line and the 4th respondent has illegally encroached upon the said portion and started putting up construction and thereby, blocking the drainage.

3 The learned counsel for the petitioner would submit that since the drainage is fully blocked, the sewage water comes out often, resulting in serious health hazard, not only to the petitioner, but also to the residents of the locality and in this regard, the petitioner has submitted a detailed representation on 04.04.2017 to the respondents 1 to 3 and despite receipt and acknowledgment, the petitioner is yet to be favoured with any kind of response and hence, she is constrained to approach this Court by filing the present writ petition.

4 Attention of this Court was also drawn to G.O.Ms.NO.540, Revenue [LD.6[2]] Department dated 04.04.2017, which speaks about the formation of various Committees to dispose of the grievances relating to eviction of encroachment in the Government Lands as per the directions of this Court dated 08.10.2014 made in WP.No.26722/2013.

5 Mr.S.Diwakar, learned Standing Counsel appearing for the 3rd respondent / Salem Corporation, would submit that after putting the 4th respondent on notice, appropriate action will be taken on the representation submitted by the petitioner.

6 This Court has considered the rival submissions and also perused the materials placed before it.

7 Though the petitioner prays for a larger relief, this Court, in the light of above facts and circumstances, directs the 3rd respondent to put the 4th respondent on notice and taking into consideration, G.O.[Ms] No.540, Revenue [LD.6[2]] Department, dated 04.12.2014, shall consider and dispose of the petitioner's representation dated 04.04.2017 on merits and in accordance with law and pass orders 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 to the 4th respondent herein.

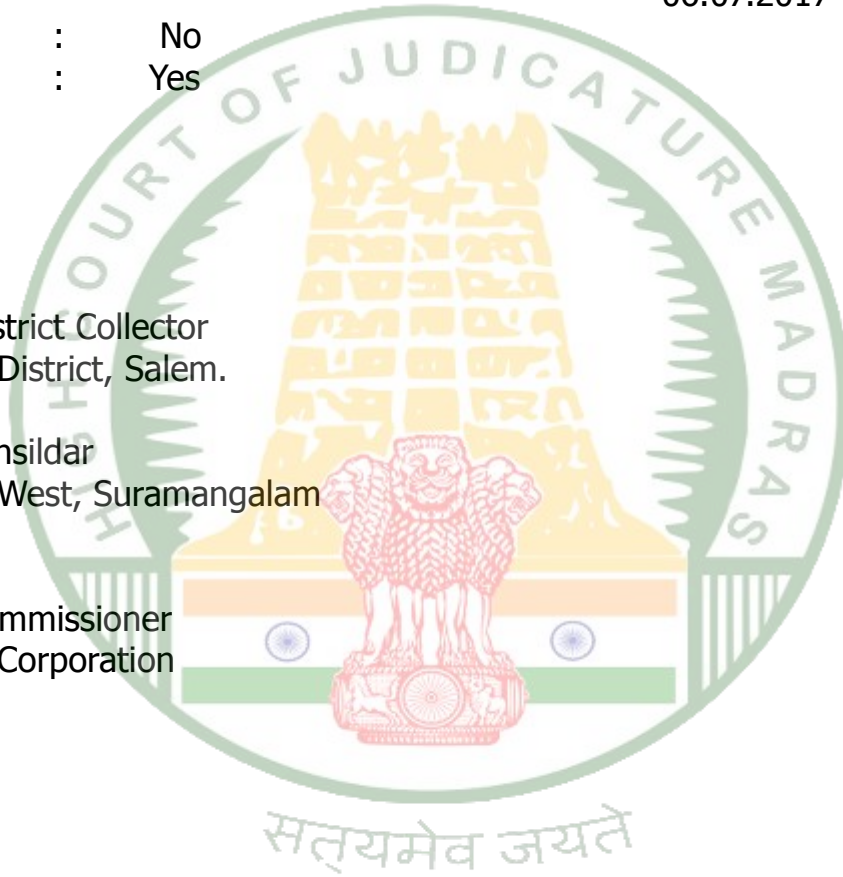
8 The writ petition stands disposed of with the above direction. No costs.

[M.S.N., J.,] [N.S.S., J]
06.07.2017

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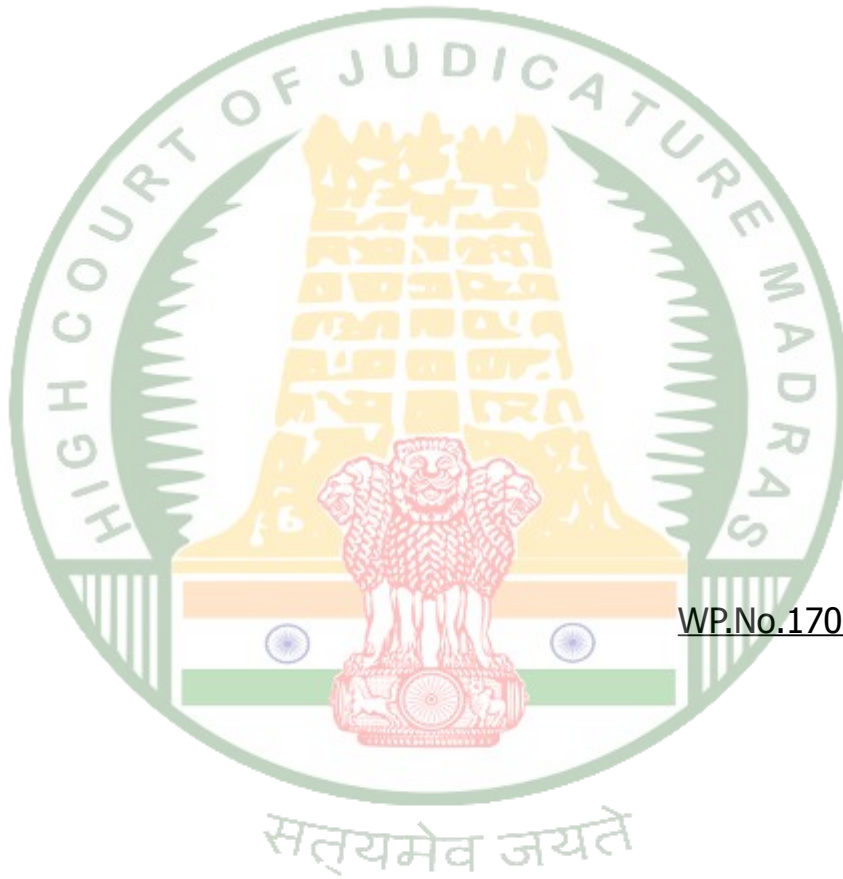
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N.SESHASAYEE, J.,

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