

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28771 of 2017

and

WMP No.30946 of 2017

A.Ramkumar

... Petitioner

Vs.

1. The District Collector,  
Namakkal District, Namakkal.

2. The Chief Engineer,  
High Ways Department,  
No.76, Sardar Patel Road,  
Guindy, Chennai 600 025.

3. The Divisional Engineer,  
High Ways Department,  
No.5, Mohanur Road,  
Namakkal 637 001.

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to forbear the respondents from constructing the culvert at State Highways No.86 in KM 46-46.2 Tiruchengode-Sankagiri Main Road in pursuant to the petitioner's representation dated 30.10.2017.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.P.Senthilvel  
Government Advocate

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O R D E R

The petitioner seeks for a mandamus forbearing the respondents the respondents from constructing the culvert at State Highways No.86 in KM 46-46.2 Tiruchengode-Sankagiri Main Road in pursuant to the petitioner's representation dated 30.10.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.It seems that the respondents are preparing to put up a culvert across the road in order to drain the rain water said to be stagnating on the other side of the road. The grievance of the petitioner is that while draining the water through the proposed culvert, the same will be let out in his land and consequently, the entire cultivation in the petitioner's land will be spoiled. Therefore, the petitioner seeks for a direction to the respondents not to put up the culvert.

4.Though such prayer is sought for in this writ petition, the learned counsel for the petitioner fairly submitted that the representation made by the petitioner to the above effect dated 30.10.2017, may be considered by the respondents, also by finding a way and see that the water drained through the proposed culvert does not spoil the cultivation of the petitioner. I find force in the submission made by the learned counsel for the petitioner and therefore, it is for the respondents to consider such claim of the petitioner made through his representation dated 30.10.2017 and take appropriate action by protecting interest of all the parties concerned. Such exercise shall be done by the respondents within a period of four weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vri  
To

1. The District Collector,  
Namakkal District, Namakkal.
2. The Chief Engineer, High Ways Department,  
No.76, Sardar Patel Road,  
Guindy, Chennai 600 025.
3. The Divisional Engineer,  
High Ways Department,  
No.5, Mohanur Road,  
Namakkal 637 001.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.81921  
W.P.No.28771 of 2017

AR(CO)  
CA(21/11/2017)