

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.19283 of 2017

D.Muthukumar ... Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Taluk Office,
Sendhamangalam Taluk,
Sendhamangalam,
Namakkal District.

3.The Executive Officer,
Sendhamangalam Town Panchayat,
Sendhamangalam,
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to call for public tender for removing mud and garbage wastage from the Tank (Kulam) which were situated in S.No.146, Senthamangalam village, Namakkal District with an extent of 25 hectares and take action against the persons who are taking mud and wastage without getting proper permission from the local authority, Revenue Authority.

For Petitioner : Mr.D.Rajagopal

For Respondents : Ms.Vasudha Thiagarajan, AGP

ORDER

(Order of the Court was made by M.Sundar, J.)

This writ petition has been filed as a Public Interest Litigation by a local resident with a prayer to mandamus the

mud and garbage (waste material) from a tank, which is said to be situated in S.No.146, Senthamangalam village, Namakkal District. It is also averred that the tank is spread over an extent of 25 hectares.

2 It is the further case of the writ petitioner that mud and waste material are being removed on a regular basis by certain third parties without obtaining proper permission from the local authority.

3 It is the specific case of the writ petitioner that some valuable materials are also contained in this mud and garbage. To be specific, the writ petitioner says that he understands that in the said mud and garbage, some silver, gold and copper parts are available.

4 Ms.Vasudha Thiagarajan, learned Additional Government Pleader accepts notice on behalf of all the three official respondents.

5 It is brought to our notice that two representations, one dated 5.7.2017 and the other dated 18.7.2017, have been sent by the writ petitioner to the respondents before us.

6 However, we express no opinion on the averments of the writ petitioner, alluded to supra in paragraphs 1 to 3 in the light of the order that we propose to pass.

7 We direct the first respondent to dispose of both the representations dated 5.7.2017 and 18.7.2017 in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8 It is pointed out by the learned Additional Government Pleader that there is nothing on record to show that the said representations have, in fact, been served on respondent No.1. Therefore, representations as contained in the typed set of papers before us in page Nos.4 and 6 respectively, shall be treated as representations given by the writ petitioners and shall be disposed of as stated above.

9 Before parting with the order, we also notice that the second representation is dated 18.7.2017 and the writ petition has been filed on 18.7.2017 itself. The earlier representation was not also very far back in point of time and it is dated 5.7.2017.

10 In the normal circumstances, we may not be inclined to mandamus the authorities when Courts are approached so quickly and when the writ petitioner is not able to show inaction on the part of the official respondents.

peculiar nature of the facts and circumstances of this case, we have given the above direction to respondent No.1. This writ petition is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The Tahsildar,
Taluk Office,
Sendhamangalam Taluk,
Sendhamangalam,
Namakkal District.
- 3.The Executive Officer,
Sendhamangalam Town Panchayat,
Sendhamangalam,
Namakkal District.

+1cc to Government Pleader SR.No.54321

W.P.No.19283 of 2017

GN(16/08/2017)

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