

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29585 of 2017

S.Aruchamy

.. Petitioner

Vs.

1. The Director
Directorate of Rural Development and Panchayat,
Panagal Building, Saidapet, Chennai.
2. The District Collector,
Inspector of Panchayats, Collectorate.
3. The Block Development Officer,
Sulur Panchayat Union, Sulur 641 402. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to construct drainage to the petitioner's resident area which is situated at South side of Pump House Road, Kalangal Panchayat, Coimbatore District in pursuant of 2nd respondent's letter vide Na.Ka.No.5006/2016/Kai 2, dated 28.06.2017.

For Petitioner : Mr.P.Saravanan

For Respondents: Mr.S.Diwakar, Spl.G.P. (for RR1 & 2)
Mr.N.Inbanathan (for R3)

ORDER

The petitioner has come forward with this writ petition to direct the 3rd respondent to construct drainage to the petitioner's residential area which is situated at South side of Pump House Road, Kalangal Panchayat, Coimbatore District in pursuance of 2nd respondent's letter vide Na.Ka.No.5006/2016/Kai 2, dated 28.06.2017.

2. The case of the petitioner is that he has given so many representations to the 1st respondent to construct Drainage in his residential area, which is situated at South side of Pump House Road, Kalangal Panchayat, Coimbatore District. After repeated requests, the petitioner received the said letter on 28.06.2017, stating that the proposal to construct the drainage has been delegated to the Assistant Director of Rural

Development and after getting approval from the administrative authority appropriate action will be taken. After lapse of two months, no progress was made by the respondents. Hence the petitioner has filed this petition with the aforesaid prayer.

3. Heard Both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, as the prayer in the writ petition is only in a limited scope, this Court directs the respondents to consider the representation of the petitioner, dated 02.10.2016 and accord sanction if there is no illegal implement. The order shall be passed on the said representation, within one month after hearing the petitioner and also after inspecting the place. The authority should also ensure that the building is constructed within the plan. If there is any violation of the sanctioned plan, the building in question shall be demolished and charges be collected from the house owners and the authorities should not construct drainage facility to those houses. Further, if there is any violation, the authority is entitled to impose fine or to prosecute in accordance with the provisions of the Tamil Nadu Town & Country Planning Act / the Tamil Nadu Panchayats Act / the Tamil Nadu District Municipalities Act as the case may be.

5. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

pvs

To

1. The Director

Directorate of Rural Development and Panchayat,
Panagal Building, Saidapet, Chennai.

2. The District Collector,

Inspector of Panchayats, Collectorate.

3. The Block Development Officer,

Sulur Panchayat Union, Sulur 641 402.

+1cc to Mr.P.Saravanan, Advocate in sr.no.82263

+1cc to Government Pleader in sr.no.82916

W.P.No.29585 of 2017

NR 14/12/2017