

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.19468 of 2017

M.Saravanan

Petitioner

Vs.

1. The District Collector,
Salem District,
Salem - 636 001.
 2. The Block Development Officer,
Thalaivasal Panchayat Union,
Attur Taluk,
Salem District - 636 112.
 3. The Executive Engineer,
Water Resource Organization,
Public Works Department,
Attur, Salem District.
 4. The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Attur, Salem District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 20.09.2016 and to take appropriate action to lay a pathway/road with a width of 5 Meters instead of the proposed 1 Meter on the eastern side of the river bund of Kallar and to construct a bund/wall of the check dam situate in Survey No.6 in Kattukottai village, Attur Taluk, Salem District within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Chathia Chandran

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

2. By way of this public interest litigation, the petitioner seeks for a direction upon the respondents to consider his representation dated 20.9.2016 and to take appropriate action to lay a pathway/road with a width of 5 metres instead of the proposed 1 metre on the eastern side of the river bund of Kallar and to construct a bund/wall of the check dam situated in Survey No.6 in Kattukottai Village, Attur Taluk, Salem District.

3. Earlier, the petitioner had approached this Court and filed W.P.No.14714 of 2016 praying for a direction to consider his representation dated 19.3.2016 and to take appropriate action to lay a pathway/road on the eastern side of the river bund of Kallar and to construct the bund of the check dam situated in Survey No.6 in Kattukottai Village, Attur Taluk, Salem District.

4. By an order dated 21.4.2016, the said writ petition was disposed of with a direction to the Assistant Executive Engineer, Water Resource Organization, Public Works Department, Attur, Salem District to consider the representation of the petitioner within a time frame, pursuant to which, the representation of the petitioner was positively considered and as of now pathway with a width of 1 metre has been formed subject to certain conditions as imposed by the fourth respondent in its proceedings/order dated 02.9.2016.

5. The petitioner has now come forward with a plea that the width of the pathway to an extent of 1 metre is insufficient and therefore, he has submitted another representation dated 20.9.2016 with a request to increase the width of the pathway to atleast 5 metres. This representation is said to have been received by respondent Nos.3 and 4.

6. Learned Additional Government Pleader accepting notice and appearing for the respondents would submit that respondent Nos.3 and 4 will consider the representation of the petitioner dated 20.9.2016 and examine the feasibility as to whether the width of the pathway could be expanded/broadened.

7. In the light of the above facts and the stand taken by the respondents, we dispose of the writ petition by directing respondent Nos.3 and 4 to consider the representation of the petitioner dated 20.9.2016 and pass orders on merits and in accordance with law within a period of four (4) weeks from the

date of receipt of a copy of this order, from the petitioner together with a copy of his representation dated 20.09.2016..

8. The petitioner is directed to send a copy of the representation dated 20.9.2016 along with copy of this order to respondent Nos.3 and 4 for due compliance of the direction issued.

9. The writ petition, accordingly, stands disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

- 1.The District Collector,
Salem District, Salem - 636 001.
- 2.The Block Development Officer,
Thalaivasal Panchayat Union,
Attur Taluk, Salem District - 636 112.
- 3.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Attur, Salem District.
- 4.The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Attur, Salem District.

+1 CC to Mr.S. Sathiya Chandran, Advocate sr 56075
+1 CC to Govt. Pleader sr 56398.

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SP(21/08/2017)