

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18512 of 2004  
&  
W.P.M.P.No.22059 of 2004

Neivayal Azkhulai Kinaru Upayokippor Sangam,  
Rep.by its President M.Kandasamy ... Petitioner

Vs.

The Commissioner/Block  
Development Officer,  
Thiruvadanai Panchayat Union,  
Thiruvadanai ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records relating to the orders of the respondent herein in Na.Ka.A3/4471/03 dated 21.06.2004 and quash the same.

For Petitioner : Mrs.AL.Ganthimathi

For Respondent : Mr.M.Elumalai,  
Government Advocate

O R D E R

The petitioner filed this writ petition, challenging the Order passed by the respondent / Block Development Officer, wherein the maintenance of "Sangam" bore well was cancelled.

2. The facts of the case is that, the petitioner Sangam was granted permission on 14.02.1992 for maintaining the bore well for the purpose of agriculture, to the members of petitioner Sangam. Thereafter on 05.01.2004, the respondent cancelled the permission against which the petitioner filed W.P.No.1400 of 2004, wherein this Court on 31.03.2004, set aside the Order and remand the matter back to the authorities for conducting fresh enquiry.

3. Thereafter, on 23.04.2004 the first respondent issued a show cause notice, calling upon the petitioner Sangam to give

explanation for violating the original conditions, for which a suitable reply was filed on 21.05.2004 by the petitioner Sangam. On perusing the reply given by the petitioner Sangam, the respondent cancelled the licence given for the maintenance of bore well, against which, the present writ petition is filed.

4. The learned counsel appearing for the petitioner would submit that liberty may be granted to the petitioner to approach the respondent for re-consideration and after the impugned order passed by the respondent on 05.01.2004, the bore well was not maintained by any one and the motor has now become defective. Hence, he seeks permission of this Court to approach the Block Development Officer / respondent to reconsider the issue afresh. Accordingly, liberty is granted to the petitioner to approach the respondent for fresh lease, If any.

5. With these observations, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msvm/kas

To

The Commissioner/Block  
Development Officer,  
Thiruvadanai Panchayat Union,  
Thiruvadanai

+1cc to Mr.AL.Gandhimathi, Advocate, S.R.No.66333  
+1cc to the Government Pleader, S.R.No.67015

W.P.No.18512 of 2004

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CA(13/10/2017)

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