

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.16612 of 2017**

C.Navamani

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Thoothukudi District.
2. The Superintendent of Police,
O/o. The Superintendent of Police
Thoothukudi District.
3. The Tahsildar,
Srivaikundam Taluk Office,
Srivaikundam
Thoothukudi District.
4. The Inspector of Police,
Eral Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents Nos.1 and 3 to permit the petitioner to remove stagnant water from Stone Quarry Pool situated in the Petitioner's Patta land in Survey No.773/10A, Patta No.763 in an extent of 2 Acres, Sivakalai Village, Srivaikundam Taluk, Thoothukudi District by considering the representation dated 29.08.2017, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Kumar,
Additional Government Pleader

ORDER

This writ petition has been filed, seeking to direct the respondents Nos.1 and 3 to permit the petitioner to remove stagnant water from Stone Quarry Pool situated in the Petitioner's Patta land in Survey No.773/10A, Patta No.763 in an extent of 2



Acres, Sivakalai Village, Srivaikundam Taluk, Thoothukudi District by considering the representation dated 29.08.2017

2. Heard the learned counsel on either side.

3. It is the case of the petitioner that he has submitted a representation dated 29.08.2017 to the respondents for removal of stagnant water from Stone Quarry Pool and pursuant to the inaction on the part of the respondents, the present writ petition has been filed for the relief as stated supra.

4. The learned Additional Government Pleader appearing for the respondents has fairly submitted that the first respondent is the competent authority to take a decision in this matter and if a reasonable time is granted to the first respondent, appropriate orders will be passed on the representation of the petitioner dated 29.08.2017.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 29.08.2017 and pass appropriate orders thereon on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, either by permitting the petitioner to remove the stagnant water or suggesting the any other method of removal of stagnant water, after giving adequate reasons. It is needless to state here that undoubtedly, opportunity of hearing must be given to the petitioner before passing the order.

6. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Collectorate,
Thoothukudi District.

2. The Superintendent of Police,
O/o. The Superintendent of Police
Thoothukudi District.



3. The Tahsildar,
Srivaikundam Taluk Office,
Srivaikundam
Thoothukudi District.

4. The Inspector of Police,
Eral Police Station,
Thoothukudi District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 78131
+1 cc to The Special Government Pleader in SR.No.78604

ar

AE/KP/SAR3/22.09.2017/3P/7C

W.P(MD)No.16612 of 2017

11.09.2017