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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19132 of 2017

Vellaichamy

: Petitioner

-Vs-

1.The District Collector,
Collectorate Campus,
Dindigul.

2.The Thasildar,
Office of the Thasildar,
Oddanchatram Taluk,
Dindigul District.

3.The Block Development Officer,
Oddanchatram Panchayat Union,
Oddanchatram Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.09.2017 and consequently, direct the respondents to take appropriate action to remove the encroachment in the canal (ஓடை) situated in S.No.154/1, Sreeangoundenpudur Hamlet, Thangachiammpatti Village, Oddanchatram Taluk, Dindigul District.

For Petitioner	: Mr.V.Muthumani
For Respondents 1&2	: Mr.T.R.Janarthanan, Additional Government Pleader
For Respondent No.3	: Mr.C.Selvaraj

O R D E R

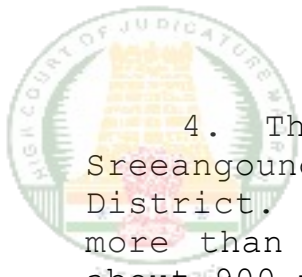
[Order of the Court was made by M.VENUGOPAL, J.]

Mr.T.R.Janarthanan, Learned Additional Government Pleader, takes notice for the Respondents 1 and 2. Mr.C.Selvaraj, Learned Counsel, takes notice for the third Respondent.

2. Heard both sides. No counter is filed on behalf of the Respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent, the main Writ Petition itself is taken up for final disposal.



4. The grievance of the Petitioner is that his Village Sreeangoundenpudur is a small one of Oddanchatram Taluk, Dindigul District. The said Village mainly depends upon farming. There are more than 300 houses in his Village and the total population is about 900 persons.

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5. In the middle of the Petitioner's Village, a canal runs from South to North and the said Canal is covered with trees (சீமைக்கருவேல மரங்கள்), plants and bushes obstructing the free water flow. On 05.09.2017, there was heavy rainfall in the Petitioner's Taluk and there is heavy water flow in the canal. Due to the aforesaid obstruction, the water is flowing on the road and also had entered into the houses nearby the said canal. According to the Petitioner, the Respondents are not at all heeding to the grievances of the Petitioner's Villagers. Hence, the Petitioner's Villagers made a representation on 11.09.2017 to the Hon'ble Chief Minister of Tamil Nadu, Secretariat, Chennai-9 with a copy being marked to the Respondents, to take appropriate action to remove the encroachment in the canal situated in Survey No.154/1, Sreeangoundenpudur Hamlet, Thangachiammpatti Village, Oddanchatram Taluk, Dindigul District. In fact, the said representation was forwarded to the second Respondent and till date, the second Respondent has not taken any effective steps to remove the encroachment.

6. At this stage of the hearing, Mr.T.R.Janarthanan, Learned Additional Government Pleader, who appears for the Respondents 1 and 2, informs this Court that proper party is only the third Respondent/Block Development Officer, Oddanchatram Panchayat Union, Dindigul District, who has to look into the representation of the Petitioner's Villagers dated 11.09.2017 and to take necessary action in accordance with law. This fact is not disputed on behalf of the third Respondent as well as on behalf of the Respondents 1 and 2.

7. Considering the fact that the Petitioner's Villagers' representation dated 11.09.2017 addressed to the Hon'ble Chief Minister of Tamil Nadu, Secretariat, Chennai-9, is now pending on the file of the second Respondent (to whom it was forwarded), this Court, in the interest of justice and fair play, directs the third Respondent to look into the representation of the Petitioner's Villagers dated 11.09.2017 and to pass necessary orders in the subject matter in issue, within a period of three weeks from the date of receipt of copy of this order, of course, after providing necessary opportunity to the Petitioner and others concerned, by adhering to the principles of natural justice. Considering the urgency in the subject matter in issue, the third Respondent is directed to look into the representation of the Petitioner's Villagers dated 11.09.2017 with all seriousness and earnestness and that too, in a complete and comprehensive manner, within the time adumbrated by this Court.



8. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

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/True Copy/

Sd/-

Assistant Registrar (RTI)

Sub Assistant Registrar

To

1. The District Collector,
Collectorate Campus,
Dindigul.

2. The Thasildar,
Office of the Thasildar,
Oddanchatram Taluk,
Dindigul District.

3. The Block Development Officer,
Oddanchatram Panchayat Union,
Oddanchatram Taluk,
Dindigul District.

+1cc to M/S.R.SENTHIL KUMAR, Advocate SR.No. 82483

Order made in
W.P. (MD) No. 19132 of 2017
Dated: 12.10.2017

SML

JM/SV MMS/SAR 3/12.10.2017/3P/5C