



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.19232 of 2017

Santhosam : Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Executive Engineer,
Public Works Department (WRD),
Periyar Main Canal Division,
Melur,
Madurai.

3.The Tahsildar,
East Taluk,
Y.Othakadai,
Madurai.

4.The Block Development Officer,
Madurai East Panchayat Union,
Chinnachokkikulam,
Madurai.

: Respondents

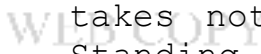
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to remove the stone pillars place on the Nellyyendhal Kanmai Bund by the second Respondent enabling free movement of agricultural vehicles.

For Petitioner
For Respondents 1to3

: Mr.A.Srinivasan
: Mr.T.R.Janarthanan,
Additional Government Pleader

For Respondent No.4

: Mr.M.Govindan

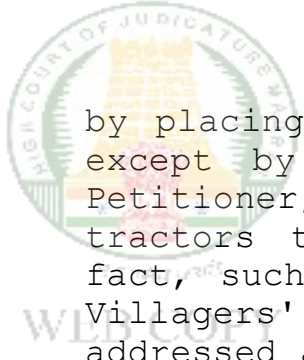


Mr.T.R.Janarthanan, Learned Additional Government Pleader, takes notice for the Respondents 1 to 3. Mr.M.Govindan, Learned Standing Counsel, takes notice for the Respondent No.4.

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

5. The Learned Counsel for the Petitioner points out that the Petitioner's Village people in the year 2012 submitted a representation before the second Respondent seeking permission to extend the tank bund abutting the Nelliandal Kanmoi and to develop a road on the tank bund. Later, after securing due permission from the second Respondent through proceedings dated 15.06.2012, the bund road was extended on the outer end without affecting or damaging or interfering in anyway with the tank. As a matter of fact, the inflow and outflow of the water to the tank was no way affected by the development of such road. Further, he is having agricultural lands in Survey Nos.36/1, 37/8 and 57/8 measuring an extent of 2.5 Acres in Nelliandalpatti Village. In reality, for the subsequent periods, the Village Panchayat itself had addressed a representation to the Public Works Department Authorities to maintain the bund road properly.

Also, the Vicservest



by placing stone pillars in the bund road. In view of the same, except by walking, according to the Learned Counsel for the Petitioner, the Petitioner's Villagers are unable to take the tractors to their agricultural land through the bund road. In fact, such action was taken without considering the Petitioner's Villagers' objections. Hence, the Petitioner's Villagers had addressed a representation before the Respondents on 25.08.2017 by RPAD pleading not to close the said road. He is one of the signatories to the said representation.

7. The core grievance of the Petitioner is that the Respondents have not taken the matter seriously and are deliberately evading a response to the consideration of the representation of the Villagers dated 25.08.2017 and as such, the Villagers are not able to take their agricultural vehicles to their fields. Hence, the present Writ Petition has been filed by the Petitioner.

8. At this stage, the Learned Additional Government Pleader appearing for the Respondents 1 to 3 submits that if certain time limit is prescribed by this Court to consider the representation of the Villagers dated 25.08.2017, then the same will be considered with all seriousness by the second Respondent.

9. Considering the fact that the Villagers' representation dated 25.08.2017 addressed to the Respondents is pending without any significant progress and since no orders have been passed on the said representation, this Court, based on equity, fair play, justice and even as a matter of prudence, simpliciter, directs the second Respondent/the Executive Engineer, Public Works Department (WRD), Periyar Main Canal Division, Melur, Madurai, to look into the representation of the Petitioner's Villagers dated 25.08.2017, within ten days from the date of receipt of copy of this order. Thereafter, the second Respondent shall dispose of the representation of the Petitioner's Villagers dated 25.08.2017 by following due process of law by issuing notice to the concerned persons and the said order is to be passed on merits, that too, in a speaking and dispassionate manner, of course, within a period of four weeks thereafter. It is open to the Petitioner and the Villagers of the Petitioner to raise all factual and legal pleas before the second Respondent, who shall meet out every factual/legal plea raised in the representation dated 25.08.2017 and dispose of the same untrammelled and uninfluenced with any of the observations made by this Court in this Writ Petition.

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

Sd/-

Assistant Registrar(CSII)



To

1.The District Collector,
Madurai District,
Madurai.

2.The Executive Engineer,
Public Works Department (WRD),
Periyar Main Canal Division,
Melur,
Madurai.

3.The Tahsildar,
East Taluk,
Y.Othakadai,
Madurai.

4.The Block Development Officer,
Madurai East Panchayat Union,
Chinnachokkikulam,
Madurai.

+One cc to The Special Government Pleader, SR.No.82998

SML

RL/6C/4P/GT/SAR2/31/10/2017

Order made in

W.P.(MD)No.19232 of 2017

Dated: 13.10.2017