



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND**

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.20799 of 2017

P.Lingamuthu

: Petitioner

-Vs-

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Superintendent of Police,
Superintendent of Police Office,
Ramanathapuram,
Ramanathapuram District.

3. The Block Development Officer,
Block Development Office,
Thiruvadanai,
Ramanathapuram District.

4. The Thasildhar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

5. The Inspector of Police,
S.P.Pattinam Police Station,
S.P.Pattinam,
Thiruvadanai Taluk,
Ramanathapuram 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 representations dated 03.10.2017 and 26.10.2017 to take action against the Etticheri people from taking water and attempting to dig a Well near the "Endhavayal Kanmaai", Endhavayal Village, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner

: Mr.N.Pragalathan

For Respondents 1,2,4&5

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

For Respondent No.3

: Mr.S.Sathish Kumar,
Additional Government Pleader

**ORDER**

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

Mr.T.R.Janarthanan, Learned Additional Government Pleader, takes notice for the Respondents 1,2,4 and 5. Mr.S.Sathish Kumar, Learned Additional Government Pleader, takes notice for the third Respondent.

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

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

4. According to the Petitioner, his Village is a separate Village and the revenue record shows that there is a Kanmai called 'Endhavayal Kanmai'. The Villagers utilize the tank for their agricultural purpose and in addition to that, they take bath and draw water for their daily needs and also they feed the cattle. Further, 'Endhavayal Kanmai' is the major source for their agricultural purpose and the said Kanmai satisfies their daily needs of water. The Villagers depend upon the said Kanmai for their agricultural and other essential requirements. In fact, the said 'Endhavayal Kanmai' is under the control of Panchayat Union and in the Petitioner's Village, the Villagers are taking water for irrigation purpose to cultivate their agricultural fields and in fact, no other water source is available to them.

5. The grievance of the Petitioner is that certain persons from the neighbouring Village, namely Etticheri, are endeavouring to take water from 'Endhavayal Kanmai' and attempting to dig a Well around the tank, although they are having a separate tank, namely 'Etticheri tank' belonging to Public Works Department. Further, there is also a common Well in their Village for drawal of water.

6. It comes to be known that when the Petitioner's Villagers asked about the activities of Etticheri people by drawing water from the 'Endhavayal Kanmai' in their Vilalge, it is the version of the Petitioner that they threatened them to give a false complaint against them under the SC/ST Act to the effect that they are degrading their communal status. A petition was submitted by the Petitioner's Village people on 03.10.2017 addressed to the Respondents 1,2,4 and 5 requesting them to take necessary action. Again, the Petitioner sent another communication dated 26.10.2017 to the third Respondent requesting him to take action against the Etticheri People from drawing water and making endeavour to dig a Well near the 'Endhavayal Kanmai'. Since no action has been taken on the said communication, the Petitioner has filed the present Writ Petition.



7. Inasmuch as the Petitioner's two representations dated 03.10.2017 and 26.10.2017 addressed to the concerned Respondents are pending without any progression in the subject matter in issue, at this stage, this Court, in the interest of equity, justice, fair play, good conscience and even as a matter of prudence, directs the first Respondent to immediately look into the afore-said two representations of the Petitioner, within a period of one week from the date of receipt of copy of this order. Therafter, the first Respondent is directed to pass necessary speaking orders on the aforesaid two representations dated 03.10.2017 and 26.10.2017 on merits, within a period of four weeks, of course, after issuing requisite notice to the concerned persons and also after adhering to the Principles of Natural Justice. It is open to the Petitioner to raise all factual and legal pleas before the first Respondent and to seek redressal of his grievances in the manner known to law and in accordance with law.

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

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Superintendent of Police,
Superintendent of Police Office,
Ramanathapuram,
Ramanathapuram District.
3. The Block Development Officer,
Block Development Office,
Thiruvadanai,
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4. The Thasildhar,
Thiruvadanai Taluk,
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5. The Inspector of Police,
S.P.Pattinam Police Station,
S.P.Pattinam,
Thiruvadanai Taluk,
Ramanathapuram District.

+1cc to Mr.N.Pragalathan, Advocate Sr.No.87239
+1cc to Spl.Government Pleader Sr.No.87444

SML

VB/SKN/RSK/SAR4/22/11/2017/4P/8C

Order made in
W.P. (MD) No.20799 of 2017
Dated: 13.11.2017