



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P.(MD)No.23109 of 2017

Vasantha

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Executive Engineer,
Public Works Department,
Ramanathapuram.

3. The Authorized Person,
Syed Ammal Trust,
Chalai Bazar,
Ramanathapuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the 1st respondent to take appropriate action against the 2nd and 3rd respondents and consequently direct the 2nd respondent to close the dent made by the 3rd respondent in the Mugavai Oorani water channel near to the petitioner's house by considering the petitioner's representation dated 03.11.2017.

For Petitioner : Mr.K.Jegan

For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader
for R.1 & R.2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, takes notice for the respondents 1 & 2. Notice to the 3rd respondent is dispensed with, as no adverse order is going to be passed against them.



3. Alleging that the third respondent, without any permission or licence, whatsoever, has made a dent of nearly 20 feet depth, in the Mugavai Oorani water channel near to the petitioner's house, thereby causing damage to the water channel and the petitioner's house as well as the other constructions in the vicinity, the petitioner has submitted a representation dated 03.11.2017, before the authorities for appropriate action, so as to renovate the water channel, by closing the dent and because of their inaction, he is before this Court.

4. When the matter is taken up for hearing today, the learned Counsel appearing for the petitioner submitted that it would suffice, if her representation is disposed of by the first respondent, on merits.

5. Considering the facts and circumstances of the case and also the limited scope of the relief sought for, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 03.11.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner and the third respondent as well as all the other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Executive Engineer,
Public Works Department,
Ramanathapuram.

+ 1 cc TO The Special Government Pleader in SR No. 93364

gk
AE/KKR/SAR2/04.01.2018/2P/4C