



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.720 of 2017

K.Pauldurai

... Petitioner

-vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director,
Geology and Mining,
Collectorate Campus,
Tirunelveli.

3.The Joint Director (Town Panchayat),
N.G.O.Colony,
Palayamkottai,
Tirunelveli.

4.The Executive Engineer (PWD)
Chitharu Basin Division,
Tenkasi, Tirunelveli District.

5.The Executive Officer,
Keelapavoor Town Panchayat,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 to take action against the 5th respondent and others based on the petitioner's representation 29.12.2016.

For Petitioner : Mr.V.Sasi Kumar

For RR - 1 to 5 : Mr.M.Govidan
Special Government Pleader

**ORDER**

This Writ Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 to 4 to take appropriate action against the fifth respondent on the basis of representation dated 29.12.2016 alleged to have been given by the petitioner, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Keelapavoor Village, Tirunelveli District. Further, it is stated in the petition that the first respondent has permitted the fifth respondent to take soil of 200 loads. But, the fifth respondent has violated the condition imposed by the first respondent. Under the said circumstances, the representation dated 29.12.2016 has been given to the respondents 1 to 4. But, no action has been taken and therefore, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader has taken notice for the respondents.

4.The learned counsel appearing for the petitioner has advanced his arguments on the basis of the averments made in the petition.

5.The learned Special Government Pleader has represented that for the purpose of filling up soil in rain water stagnated area, the first respondent has given necessary permission to the fifth respondent for taking soil of 200 loads and no representation has been given by the petitioner and therefore, the relief sought in the petition cannot be granted.

6.On the basis of the rival submissions made on either side, it is made clear that the first respondent has permitted fifth respondent for the purpose mentioned therein.

7.The main grievance expressed on the side of the petitioner is that the fifth respondent has used to take soil above the quantity given by the first respondent.

8.It is seen from the records that the petitioner has given representation on 29.12.2016. Considering the fact that a representation has been given on 29.12.2016 and also considering the fact that the fifth respondent has acted only in accordance with the order passed by the District Collector, this Court is inclined to pass the following order.

<https://hcservices.ecourts.gov.in/hcservices/>
In this case, this petition is allowed in part without cost. The first respondent viz., the District Collector is directed to



look into the representation dated 29.12.2016, alleged to have been given by the petitioner and take appropriate action, within a period of one month.

Sd/-

Assistant Registrar(CSII

WEB COPY

/True Copy/

Sub Assistant Registrar

Arul

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Director,
Geology and Mining,
Collectorate Campus,
Tirunelveli.
- 3.The Joint Director (Town Panchayat),
N.G.O.Colony,
Palayamkottai,
Tirunelveli.
- 4.The Executive Engineer (PWD)
Chitharu Basin Division,
Tenkasi, Tirunelveli District.
- 5.The Executive Officer,
Keelapavoor Town Panchayat,
Tirunelveli District.

+1cc to Mr.V.Sasi Kumar ,Advocate Sr.No. 2922

JAM/20.01.2017/GSV-SV/ SAR 3/3P-7C

W.P(MD) No.720 of 2017
18.01.2017