

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twenty Eighth day of September Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE V.BHARATHIDASAN

WP.Nos.10688 & 10689 of 2018

WMP.Nos.12629 & 12630 of 2018

SMT.C.ANNAPACKIAM, [PETITIONER IN WP.10688/18
& WMP.12629/18]

R.BABU, [PETITIONER IN WP.10689/18
& WMP.12630/18]

Vs

1 THE STATE OF TAMIL NADU [RESPONDENTS IN ALL THE
BY THE DISTRICT COLLECTOR, PETITIONS]
COIMBATORE- 641 010

2 THE SPECIAL OFFICER
PERUR CHETTIPALAYAM PANCHAYAT,
THONDAMUTHUR, COIMBATORE - 641010

3 THE BLOCK DEVELOPMENT
OFFICER, OFFICE OF THE DISTRICT COLLECTOR,
COIMBATORE- 641010

4 THE ASSISTANT DIRECTOR
HEALTH DEPARTMENT, RACE COURSE ROAD,
COIMBATORE- 600 018

5 MR.SUBRAMANIAN,

6 SMT.SAROJINI

7 SMT.SIVABAGYALAKSHMI

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) Issue a writ of certiorarified mandamus or any other appropriate writ, order or direction in the nature of writ calling for the records from the Second Respondent culminating in the impugned order dated 05.02.2018 and quash the same and direct the Second and Third Respondents herein to permit the Petitioner to connect the drainage line to the Public Drainage Canal maintained by the Panchayat as per their letter dated 22.11.2017 (in WP.No.10688/2018);

(ii) Issue a writ of certiorarified mandamus or any other appropriate writ, order or direction in the nature of writ calling for the records from the Second Respondent culminating in the impugned order dated 05.02.2018 and quash the same and direct the Second and Third Respondents herein to permit the Petitioner to connect the drainage line to the Public Drainage Canal maintained by the Panchayat as per their letter dated 22.11.2017 (in WP.No.10689/2018);

(iii) Pass an order of ad interim injunction restraining the respondents herein, their servants, agents and everyone acting under them from in any manner blocking the pipeline of the Petitioner connecting the Petitioners house to the Panchayat maintained Open Canal (in WMP.No.12629/2018) and

(iv) Pass an order of ad interim injunction restraining the respondents herein, their servants, agents and everyone acting under them from in any manner blocking the pipeline of the Petitioner connecting the Petitioners house to the Panchayat maintained Open Canal (in WMP.No.12630/2018) respectively.

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.P.L.THULASIDASS, Advocate for the petitioner in each the petitions, and of M/S.A.N.THAMBIDURAI, Special Government Pleader on behalf of the respondents in all the petitions the Court made the following order:-

This court, by order dated 14.09.2018, directed the the 3rd respondent - Block Development Officer, Coimbatore, to inspect the premises of the petitioner in W.P.No.10688 of 2018 and to file a status report as to whether the choke pit has been constructed as claimed by her to let in the waste water. Pursuant to the direction of this court, today, the 3rd respondent has filed a report wherein he has stated that the petitioner- C.Annapackiam has constructed a chamber encroaching upon the road margin. Now, she is letting out the waste water into the public canal from the choke pit through the chamber and she had no right to encroach upon the road.

2. The petitioner in W.P.No.10688 of 2018 is, therefore, directed to remove the encroachment forthwith and report the same to the 3rd respondent, who, in turn, shall again inspect the premises in question and submit a status report or or before 12.10.2018.

3. Post the writ petition on 12.10.2018 for report and disposal.

-sd/-
28/09/2018

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
GOVERNMENT OF TAMIL NADU,
COIMBATORE- 641 010

2 THE SPECIAL OFFICER
PERUR CHETTIPALAYAM PANCHAYAT,
THONDAMUTHUR, COIMBATORE - 641010

3 THE BLOCK DEVELOPMENT
OFFICER, OFFICE OF THE DISTRICT COLLECTOR,
COIMBATORE- 641010

4 THE ASSISTANT DIRECTOR
HEALTH DEPARTMENT, RACE COURSE ROAD,
COIMBATORE- 600 018

C.C. to M/S.P.L.THULASIDASS Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

WEB COPY
Order
in

WP.Nos.10688 & 10689 of 2018

WMP.Nos.12629 & 12630 of 2018

Date :28/09/2018

From 26.2.2001 the Registry is issuing certified
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KP (03/10/2018)

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