

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.21104 of 2010

S.Rajendiran

...Petitioner

Vs.

1. The District Collector,
Tiruvannamalai.

2. The Revenue Divisional Officer,
Tiruvannamalai.

3. The Municipal Commissioner,
Tiruvannamalai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents herein from discharging the sewage water through the canal dug in the wet lands of the petitioner situated in Survey Nos.28/2B, 28/12, 29/3C, 29/5E, 29/6 and 29/7 totalling to an extent of 2 ½ acres in Cheriendal Rural Village, Tiruvannamalai District.

For Petitioner : M/s.Radha Gopalan

For Respondents: Mr.V.Shanmuga Sundar, Spl.G.P.(for RR1 & 2)
Mr.P.Srinivas (for R3)

ORDER

The petitioner has come forward with this Writ Petition to forbear the respondents from discharging the sewage water through the canal dug in the wet lands of the petitioner at Cheriendal Rural Village, Tiruvannamalai District.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the

learned Standing Counsel for the 3rd respondent.

3. The petitioner claims to be the owner of the properties in Survey Nos.28/2B, 28/12, 29/3C, 29/5E, 29/6 and 29/7 totalling an extent of 2 ½ acres in Cheriendal Rural Village, Tiruvannamalai District and their right has been confirmed by the Sub Court, Tiruvannamalai in a Civil Suit is O.S.No.51 of 1993. While so, on 27.07.2010, the Officials of the respondents started digging canal in the patta lands of the petitioner for discharging sewage water from Vallarasu Nagar to reach Nochimalai Lake.

4. The petitioner would further state that if the drainage water is taken through the land of the petitioner, the fertility of the land would be affected and it also cause damage to the water body. Hence, he gave a representation to the respondents on 18.08.2010. Since no favourable order was passed, the present writ petition.

5. The learned counsel for the petitioner submitted that while the Writ Petition was listed for admission, this Court granted an order of interim injunction on 16.09.2010 and it was made absolute on 23.09.2011.

6. The learned Special Government Pleader submitted that the representation of the petitioner would be considered in accordance with law.

7. In the light of the above facts and the submissions of the learned counsels on either side, this Court without going into the merits of the case, directs the 1st and 3rd respondents to consider the representation of the petitioner dated 18.08.2010 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the necessary parties. Till then, the respondents are directed to maintain status quo as on date.

-Sd/-
Assistant Registrar
// True Copy //

Sub Assistant Registrar

To

1. The District Collector,
Tiruvannamalai.

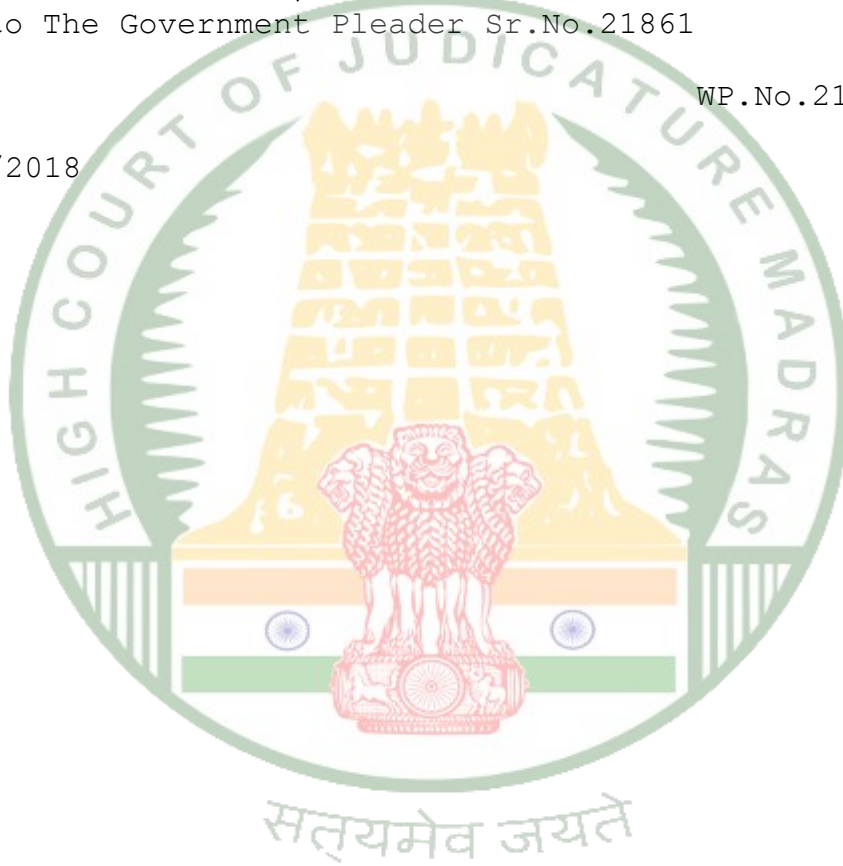
2. The Revenue Divisional Officer,
Tiruvannamalai.

3. The Municipal Commissioner,
Tiruvannamalai.

- 1 cc to Mr.S.Radha Gopalan, Advocate Sr.No.21701
- 1 cc to Mr.P.Srinivas, Advocate Sr.No.21464
- 1 cc to The Government Pleader Sr.No.21861

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KJ(CO)
RRI 09/04/2018



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