

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.26851 of 2017
and
W.M.P.No.28586 of 2017

A.T.Jeevarathinam

.. Petitioner

Versus

1.The District Collector,
Erode District,
Erode.

2.The Assistant Engineer,
Highways Construction and Maintenance,
Gopichettipalayam,
Erode - 638 452.

3.The Executive Officer,
Appakudal Town Panchayat,
Bhavani Taluk,
Erode District.

4.Mrs.Kaliammal

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 2 and 3 to close the Sewage Channel in the petitioner's land situated at Old Survey No.415/2P, New Survey No.647/2A Patta No.456 in Appakudal, Kavunthappadi, Erode District and restore the original sewage channel.

For Petitioner: M/s.D.Geetha
for M/s.C.Ananda Ramani

For Respondents: Mr.N.Inbanathan
Additional Government Pleader
for R1 to R3
No appearance, for R4

O R D E R

The prayer sought for in this writ petition is to issue a direction to the second and third respondent to close the Sewage Channel in the petitioner's land situated at Old Survey No.415/2P, New Survey No.647/2A, Patta No.456 in Appakudal, Kavunthappadi, Erode District.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3, none appeared for the fourth respondent and perused the material documents available on record.

3. The case of the petitioner is that he owns land measuring an extent of 18 cents in Appakudal, Kavunthampadi, Erode District. The second respondent has made an attempt to lay pipes on Kavunthappadi Road, for discharging stagnating sewage water and constructed a head-over bridge in the petitioner's land. Hence, the petitioner sent representations to the respondents, as no action was taken, the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a suitable direction is issued to the first respondent to consider the representation of the petitioner dated 04.10.2016.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that representations of the petitioner will be considered in accordance with law.

6. In the light of the above submission, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 04.10.2016 and take appropriate action on merits and in accordance with law, after providing an opportunity to all necessary parties, within a period of three months, from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

To

1.The District Collector,
Erode District,
Erode.

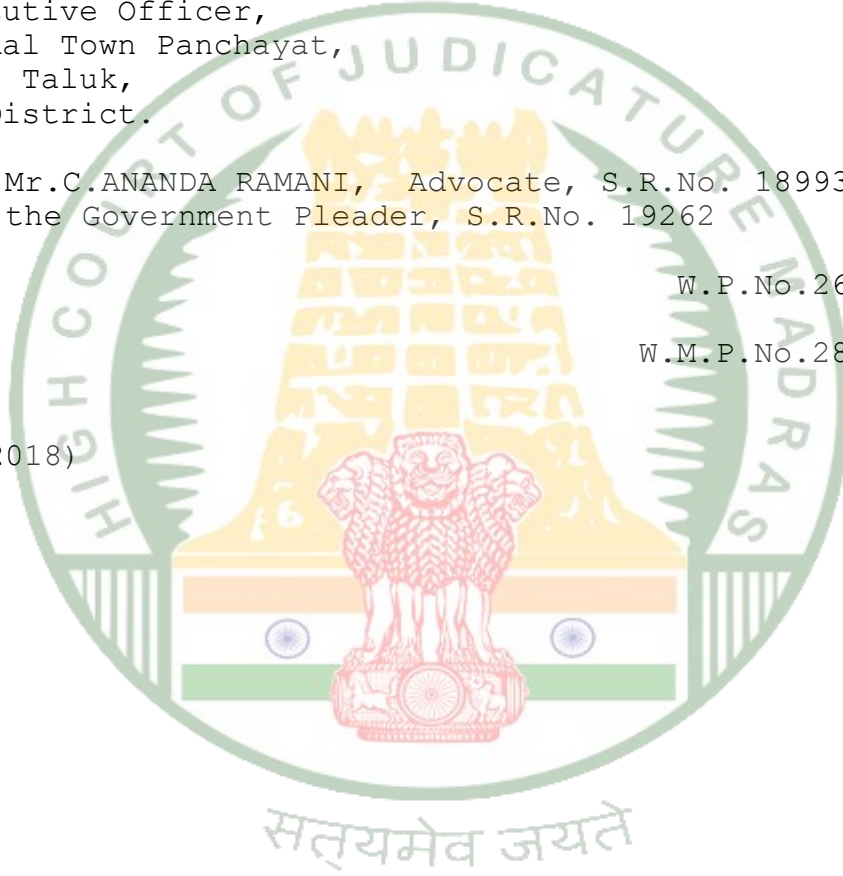
2.The Assistant Engineer,
Highways Construction and Maintenance,
Gopichettipalayam,
Erode - 638 452.

3.The Executive Officer,
Appakudal Town Panchayat,
Bhavani Taluk,
Erode District.

+1cc to Mr.C.ANANDA RAMANI, Advocate, S.R.No. 18993
+1cc to the Government Pleader, S.R.No. 19262

W.P.No.26851 of 2017
and
W.M.P.No.28586 of 2017

SR(CO)
TR(28/03/2018)



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