

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.19982 of 2014

and

MP.No.1 of 2014

B.Praburaj

.. Petitioner

Versus

1.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

2.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

3.The Divisional Engineer,
Highways Department,
Coimbatore.

.. Respondents

(R3 -Suo motu impleaded as per order
of this Court dated 14.2.2018 in WP.No.19982/2014)

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from discharging the sewage water into the petitioner's land situated at S.F.No.945/1B, Kalapatti Village, Coimbatore Taluk, Coimbatore.

For Petitioner: Mr.K.Doraisami
Senior Counsel for
M/s.Muthumani Doraisami

For Respondents: Mr.R.Sivakumar for R1
Mr.N.Manikandan
Government Advocate for R2 & R3

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, forbearing the respondents from discharging the sewage water into the petitioner's land situated at S.F.No.945/1B, Kalapatti Village, Coimbatore Taluk, Coimbatore.

2. Heard Mr.K.Doraisamy, learned Senior Counsel for the petitioner, Mr.R.Sivakumar, learned Standing counsel for the first respondent and Mr.N.Manikandan, learned Government Advocate for the second and third respondent and perused the material documents available on record.

3. The case of the petitioner is that he is the absolute owner of the property to an extent of 2.22 acres in S.F.No.945/1B, Kalapatti Village, Coimbatore Taluk, Coimbatore and the land is under cultivation. The petitioner would further state that on the Southern side of his land there exist an East-West tar road leading to Kalapatti Main Road, belonging to the first respondent Corporation and on the immediate South East corner of his property, there is a rain water channel, which is coming from the opposite side.

4. The learned Senior counsel for the petitioner submitted that the grievance of the petitioner is that the rain water channel is now being used to discharge sewage water, which enters into the petitioner's land and it should be immediately stopped.

5. The learned Standing Counsel appearing for the first respondent, after inviting this Court's attention to the counter affidavit filed by the first respondent, submitted that a drainage is under construction on western side of Kalapatty Main Road and the first respondent is ready to construct a drainage in the cut road to reach the drainage at Kalapatty Main Road, for which permission of Highways Department is required. The first respondent is ready to complete the construction of drainage, within a period of four to six months, subject to the permission to be granted by the Highways Department.

6. The learned Government Advocate appearing for the second and third respondent, on instructions, submitted that the third respondent is ready to give permission to the first respondent, if a proper application is made.

7. In the light of the above facts and the submissions made by the learned counsels on either side, this Court, directs the first respondent to seek permission from the third respondent as required, within a period of four weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall grant permission, within a period of six weeks there from.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

2.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

3.The Divisional Engineer,
Highways Department,
Coimbatore.

+1cc to Mr.R.SIVAKUMAR, Advocate, S.R.No. 16742

+1cc to Mr.MUTHUMANI DORAISAMI, Advocate, S.R.No. 16190

+1cc to the Government Pleader, S.R.No. 17399

W.P.No.19982 of 2014
and
MP.No.1 of 2014

CNR(CO)
TR(27/03/2018)

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