IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.18742 of 2010
and
MP.No.1 of 2010

P.Thirunavukkarasu .. Petitioner

Versus

1.The District Collector,
Salem District,
Salem.

2.The President,
Koottathupatty Panchayat,
Koottathupatty - 636 139,
Valapady - TK, Salem District. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to disconnect and divert the drainage canal which has been connected to the petitioner's cultivating punja land having an extent of 1 Hectare and 32 Ares (Acres 3.76 cents) comprised in Patta No.198 and Survey Nos. 35/8, 35/9A, 69/3B and 69/5B of Koottathupatty Village, Valapady Taluk, Salem District and to pay compensation to the petitioner to the tune of Rs.8 lakhs (Rupees Eight Lakhs) for the loss sustained by the petitioner due to the illegal drainage connection given to the petitioner's cultivating land.

For Petitioner : Mr.S.Rajendiran
For Respondents: Mr.B.Anand
Government Advocate, for R1
Mr.A.Arumugam, for R2

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O R D E R

The petitioner has come forward with the present writ petition seeking for issuance of a writ of mandamus, to direct the respondents to disconnect and divert the drainage canal connected to the petitioner's cultivating punja land comprised in Patta No.198 and Survey Nos. 35/8, 35/9A, 69/3B and 69/5B of Koottathupatty Village, Valapady Taluk, Salem District and to

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pay compensation to the petitioner to the tune of Rs.8 lakhs (Rupees Eight Lakhs) for the loss sustained by the petitioner due to the illegal drainage connection given to the petitioner's cultivating land.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The learned counsel for the petitioner submitted that the representation of the petitioner dated 07.01.2009 was not considered by the first respondent and the petitioner would be satisfied, if a direction is issued to the first respondent to consider the representation of the petitioner.

4. The learned Government Advocate appearing for the first respondent submitted that the representation of the petitioner would be considered in accordance with law.

5. In the light of the above submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to pass appropriate orders on the representation of the petitioner dated 07.01.2009, on merits and in accordance with law, after providing an opportunity of personal hearing to all necessary parties.

6. With the above direction, this writ petition is 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,
Salem District, Salem.

+1cc to Mr.S.Rajendran, Advocate SR.No.24016
+1cc to Government Pleader SR.No.23967

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