

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.32591 of 2018
& WMP.Nos.37792 & 37794 of 2018

1.P.Venkatachalam
2.P.Samiappan
3.K.Senthilkumar

.. Petitioners

Vs.

1.The District Collector,
Erode-638 011,
Erode District

2.The Revenue Divisional Officer,
Brough Road, Erode-638 001,
Erode District

3.The Tahsildar,
Modakurichi Taluk,
Erode District.

4.The Assistant Divisional Engineer,
Public Works Department,
LBP Irrigation Division,
Modakurichi,
Erode District

5.C.Duraisamy
6.C.Selvakumar

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 4 from interfering with the petitioner's right to property bearing S.F.Nos.535/10 and 535/16 of Thuiyam Poondurai Village, Modakurichi Taluk, Erode District under the guise of attempting to construct field bothies in their private cart track unmindful of the provisions of the Tamil Nadu Irrigation Works(Construction of Field Bothies) Act, 1959 by considering their representations dated 12.11.2018 and 16.11.2018.

For Petitioners	:	Mr.N.Manokaran
For RR1 to 4	:	Mr.V.Shanmugasundar
		Special Government Pleader

O R D E R

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to forbear the respondents 1 to 4 from interfering with the petitioner's right to property bearing S.F.Nos.535/10 and 535/16 of Thuiyam Poondurai Village, Modakurichi Taluk, Erode District under the guise of attempting to construct field bothies in their private cart track unmindful of the provisions of the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959 by considering their representations dated 12.11.2018 and 16.11.2018.

3. According to the learned counsel for the petitioner, the petitioners have submitted representations dated 12.11.2018 and 16.11.2018 claiming the relief as prayed for in this Writ Petition, but, the same are yet to be disposed of by the respondents. Hence, the petitioners are before this Court.

4. Heard, Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of the respondents 1 to 4.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations, directs the second respondent to consider the petitioner's representations dated 12.11.2018 and 16.11.2018 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, the respondents 5 & 6 as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Erode-638 011,
Erode District

2.The Revenue Divisional Officer,
Brough Road,
Erode-638 001,
Erode District

3.The Tahsildar,
Modakurichi Taluk,
Erode District.

4.The Assistant Divisional Engineer,
Public Works Department,
LBP Irrigation Division,
Modakurichi,
Erode District

+1cc to Mr.N.Manokaran, Advocate, S.R.No. 85188

W.P. No.32591 of 2018

GP (CO)
GN(09/01/2019)



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