



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.14612 of 2018andW.M.P.(MD) No.13158 of 2018

M.A.Vijaya Natarajan

... Petitioner

vs.

1.The Government of Tamilnadu
Rep.by its Principal Secretary
Public Works Department
Fort St.George, Chennai-600 009

2.The District Collector
Madurai District, Madurai-625 020

3.The Tahsildar
Madurai East Taluk
Othakadai, Madurai-625 106

4.The Assistant Engineer
Public Works Department
Periyar Channel, Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to provide water for the irrigation works of the petitioner in his land in Survey No.12/3, 12/8, 13/6 and 9/8 of Kondapethan Village, Andalkottaram, to an extent of 12 acres under the provisions of Tamilnadu Irrigation Works (Construction of Field Bothies) Act, 1959 based on the petitioner's representation, dated 13.06.2018, within a stipulated time.

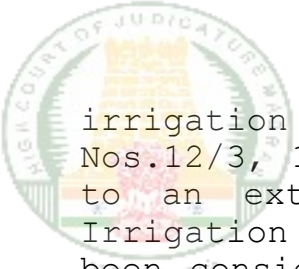
For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondents.

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

3. It is the grievance of the petitioner that his representation dated 13.06.2018 seeking to provide water for the



irrigation works in respect of his lands comprised in Survey Nos.12/3, 12/8, 13/6 and 9/8 of Kondapethan Village, Andalkottaram, to an extent of 12 acres, under the provisions of Tamilnadu Irrigation Works (Construction of Field Bothies) Act, 1959, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the fourth respondent to consider the petitioner's representation dated 13.06.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject matter.

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

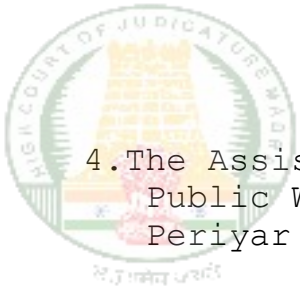
Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Principal Secretary,
Government of Tamilnadu,
Public Works Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Madurai District, Madurai-625 020.
- 3.The Tahsildar,
Madurai East Taluk,
Othakadai, Madurai-625 106.



4.The Assistant Engineer,
Public Works Department,
Periyar Channel, Madurai.

+1cc to M/S.Ananth C.Rajesh, Advocate SR.No. 71736

W.P. (MD) No.14612 of 2018
and

W.M.P. (MD) No.13158 of 2018

09.07.2018

krk

JM/RP/SAR 4/12.07.2018/3P/6C