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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15072 of 2018

and

W.M.P. (MD) .No.13650 of 2018

Sirupalai Kanmai Neerinai Payanpaduthuvor Vivasaya Sangam,
Represented by The Secretary,
A.Rajendran,
Sirupalai, Kottaiyaru Vadinilapaguthi Circle,
Ilayangudi, Sivagangai District. ... Petitioner
vs.

1. The District Collector,
Office of the District Collector Bungalow,
Sivagangai District, Sivagangai.
2. The Executive Engineer,
Public Work Department,
Office of the District Collector Bungalow,
Sivagangai District, Sivagangai.
3. The Assistant Executive Engineer,
Public Work Department,
Office of the Assistant Executive Engineer,
Kottaikaraiyaru Vadinila Paguthy,
Ilayangudi Taluk,
Sivagangai District, Sivagangai.
4. The Assistant Engineer,
Public Work Department,
Office of the Assistant Engineer,
Ilayangudi Taluk,
Sivagangai District, Sivagangai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to grant the execution of Kudimaramathu Scheme 2018 in Sivagangai District to maintain Sirupalai Tank, in Sirupalai Village, Ilayankudi Taluk, Sivagangai District to the petitioner's society in that name of Sirupalai Kanmai Neerinai Payanpaduthuvor Agriculture Society, Sivagangai District.

For Petitioner : Mr.T.Lajapathi Roy

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 06.07.2018, seeking to grant the execution of Kudimaramathu Scheme 2018 in Sivagangai District to maintain Sirupalai Tank, in Sirupalai Village, Ilayankudi Taluk, Sivagangai District to the petitioner's society, has not been considered by the second respondent 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 an 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 second respondent to consider the petitioner's representation dated 06.07.2018 on its own merits and take further action in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. Such an exercise shall be done after conducting enquiry and giving due opportunity to the petitioner as well as to any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Office of the District Collector Bungalow,
Sivagangai District, Sivagangai.



2. The Executive Engineer,
Public Work Department,
Office of the District Collector Bungalow,
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3. The Assistant Executive Engineer,
Public Work Department,
Office of the Assistant Executive Engineer,
Kottaikaraiyaru Vadinila Paguthy,
Ilayangudi Taluk,
Sivagangai District, Sivagangai.

4. The Assistant Engineer,
Public Work Department,
Office of the Assistant Engineer,
Ilayangudi Taluk,
Sivagangai District, Sivagangai.

SJI

VB/SKN/RSK/SAR1/27.07.2018/3P/5C

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