



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P. (MD).No.7952 of 2018

IN

W.A.[MD] .(SR)No.34312 of 2018

Kandani Kanmai Irrigation Farmers Society,
Rep by its President R.Rajendran,
S/o.Ramasamy, D.No.133, Kandani,
Melasethur Post, Ilayankudi Taluk,
Sivagangai District.

: Petitioner/Appellant

Vs.

1.Kandani Kanmai Farmers Society,
Rep by its President,
Poopandi, [M,42],
S/o.Karuppaiyah,
Kandani Village, Keelasethur Post,
Ilayankudi Taluk, Sivagangai District.

2.The Chief Engineer,
Water Resource Department,
Madurai Region, Madurai 2.

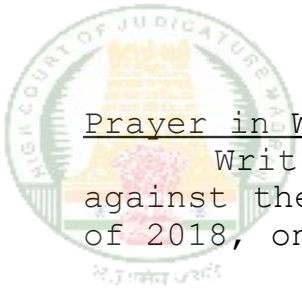
3.The District Collector,
Sivagangai District, Sivagangai.

4.The Superintending Engineer,
Public Works Department,
Sivagangai District, Sivagangai.

5.The Executive Engineer,
Public Works Department,
Water Resource Management,
Irrigation Division,
Sarukaniyaru Sub-Division,
Sivagangai District.

: Respondents/Respondents

Prayer in M.P(MD)No.7952 of 2018:- Petition filed under Section 151 of the Code of Civil Procedure, to grant leave to the petitioner to file Writ Appeal against the order dated 04.07.2018, made in W.P (MD).NO.14202 of 2018.



Prayer in W.A.[MD].(SR)No.34312 of 2018:-

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 04.07.2018, made in W.P(MD).No.14262 of 2018, on the file of this Court.

Prayer in WP(MD). 14262/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to issue work order for execution of Kudimaramath Work in respect of Kandani Kanmaai, Sivagangai District to the petitioners Society in view of G.O. Ms No.142 dated 25.05.2018 on the file of the Principal Secretary to Government, Public Works Department (W2) Department, Chennai.

For Petitioner : Mr.G.Thalaimutharasu
For Mr.D.Selvanayagam
For Respondents2to4 : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Though this Civil Miscellaneous Petition has been filed seeking Leave to file Writ Appeal against the order dated 04.07.2018, made in W.P(MD).No.14262 of 2018, considering the limited scope of the appeal, we deem it appropriate to dispose of this Civil Miscellaneous Petition. For the aforesaid reason, there is no need to hear the first respondent herein.

2. The learned Single Judge has merely directed the third respondent in the Writ Petition to consider the representation of the first respondent/writ petitioner. The apprehension of the petitioner herein is that by doing so, its case will not be considered.

3. We are of the considered view that the apprehension of the petitioner has no basis in law. The consideration of the representation of the fourth respondent/writ petitioner will not take away the right of the petitioner from being considered. Therefore, we make it clear that at the time of considering the case of the first respondent/writ petitioner, the third respondent shall also consider the case of the petitioner herein. The Civil Miscellaneous Petition is disposed of on the above terms. Consequently, W.A.(MD)(SR).No.34312 of 2018 shall stand rejected. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/



To

1. The Chief Engineer,
Water Resource Department,
Madurai Region, Madurai 2.
2. The District Collector,
Sivagangai District, Sivagangai.
3. The Superintending Engineer,
Public Works Department,
Sivagangai District, Sivagangai.
4. The Executive Engineer,
Public Works Department,
Water Resource Management,
Irrigation Division,
Sarukaniyaru Sub-Division,
Sivagangai District.

+1cc to M/S.D.Selvanayagam, Advocate SR.No. 80708

ORDER MADE IN
C.M.P. (MD) .No.7952 of 2018
IN
W.A. [MD] . (SR) No.34312 of 2018
28.08.2018

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JM/SKN RSK/SAR 1/29.08.2018/3P/6C