



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18405 of 2018

S.M.A.Gandhimathi Nathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented the Principal Secretary to Government,
Public Works Department (PWD),
Fort St.George, Secretariat,
Chennai - 9.

2.The District Collector,
Collectorate,
Thoothukudi District.

3.The Sub Divisional Magistrate/Sub Collector,
Collectorate, Thoothukudi District.

4.The Superintending Engineer,
Public Works Department/
Water Resources Organization,
Thamirabarani River Basin Circle,
Palayamkottai,
Tirunelveli - 2.

5.The Executive Engineer,
Public Works Department/
Water Resources Organization,
Korampallam, ARU basin Sub Division,
Thoothukudi District.

6.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent Nos.1 to 6 to remove the Hazards of Industrial Waste of Copper Slag on the course of Upparu Odai, Kumaragiri Village, Pudukottai, Thoothukudi Taluk, Thoothukudi District by desilting and restore the same to its original position in light of the order in Roc.No.B1/1492/2016-3 dated 30.09.2016 passed by the Respondent No.3 within the time stipulated by this Court.



For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

WEB COPY (Order of the Court was made by M.M.SUNDRESH,J.)

The petitioner has come forward to file the present writ petition seeking a direction to the respondent Nos.1 to 6 to remove the Hazards of Industrial Waste of Copper Slag on the course of Upparu Odai, Kumaragiri Village, Pudukottai, Thoothukudi Taluk, Thoothukudi District.

2.The learned counsel appearing for the petitioner would submit that though a larger relief has been sought, it would suffice, if the pending representation is directed to be disposed of, by taking note of the earlier order of the Sub Collector, Thoothukudi District, dated 30.09.2016, wherein a specific finding has been given on the encroachment.

3.A perusal of the documents filed would show that notwithstanding the order of the third respondent, dated 30.09.2016 and the subsequent proceedings of the second respondent, dated 02.12.2016 no concrete action has been taken. The petitioner also gave another representation thereafter on 26.08.2017.

4.Under those circumstances, we direct the second respondent to consider and dispose of the representation of the petitioner, dated 26.08.2017, in the light of the order of the third respondent, dated 30.09.2016 and the communication of the second respondent dated 02.12.2016 and to remove the encroachment, after following the due procedure within a period of eight weeks from the date of receipt of a copy of this order.

5.The Writ Petition shall stand disposed of. No costs.

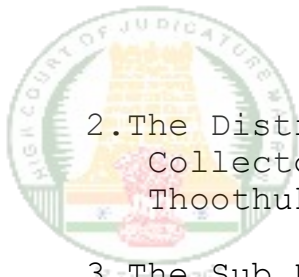
Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Principal Secretary to Government,
Public Works Department (PWD),
Fort St.George, Secretariat,
Chennai - 9.



2.The District Collector,
Collectorate,
Thoothukudi District.

3.The Sub Divisional Magistrate/Sub Collector,
Collectorate, Thoothukudi District.

4.The Superintending Engineer,
Public Works Department/
Water Resources Organization,
Thamirabarani River Basin Circle,
Palayamkottai,
Tirunelveli - 2.

5.The Executive Engineer,
Public Works Department/
Water Resources Organization,
Korampallam, ARU basin Sub Division,
Thoothukudi District.

6.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

+1cc to M/S.I.Pinaygash, Advocate SR.No. 79743
+1cc to Special Government Pleader, SR.No. 80008

W.P. (MD) No.18405 of 2018
23.08.2018

ls/nb
JM/SKN RSK/SAR 3/05.09.2018/3P/9C