IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.12007 of 2013

Sulochana ... Petitioner

Vs

1. The District Collector,
   Udhakamandalam,
   Nilgiris District.

2. The Block Development Officer,
   Gudalur,
   The Nilgiris.

3. The President,
   Serangodu Panchayat,
   Cherambadi,
   The Nilgiris.

4. Abkar Ali ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent on petitioner's representations dated 12.11.2012, 10.12.2012 and 30.01.2013.

For Petitioner : Mr.R.T.Doraisamy

For Respondents 1 and 2 : Mrs.P.Rajalakshmi, Addl. Govt. Pleader

Mr.G.Mutharasu, Advocate Commissioner

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O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent on petitioner's representations dated 12.11.2012, 10.12.2012 and 30.01.2013.

2. Today, when the matter is called, Mr.G.Mutharasu, learned Advocate Commissioner, who after executing the warrant

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issued by this Court, inspected the place-in-question to find out whether the waste water used in the bathroom and also water leaked from the septic tank of the 4th respondent's residence are let out in front of the petitioner's house causing public nuisance in that locality, has filed a report dated 22.10.2019.

3. In his Report, the learned Advocate Commissioner has explained that during his inspection, there was no sign of overflowing sewerage water and human waste from the 4th respondent's house premises through underground pipeline to the trench in front of the petitioner's house. This apart, he has taken statements from neighbours, namely, one Indira, Jen Anto, Ramanathan, petitioner and the 2nd and 4th respondents. It is also stated that the above said Indira stated that there was no bad smell from the public drainage and there was no any noise pollution from the 4th respondent's house premises. Similarly, the statements of Jen Anto and Ramanathan also made it clear that there was bad smell from the public drainage system, but they do not know whether the bad smell was caused by the 4th respondent's house premises or not. Finally, the Advocate Commissioner has mentioned in his Report that the petitioner in his letter stated that the above said underground pipeline, running across the road from the 4th respondent's house premises, to be shifted from the present place. In reply, the 4th respondent in his letter, undertook to shift the above underground water pipeline running across the road, from his house premises, at a place 20 feet away from the present place.

4. Now the learned Counsel appearing for the petitioner submitted that as undertook to shift the underground water pipeline running across the road from his house premises at a place 20 feet away from the present place, the 4th respondent has carried out the said shifting. Therefore, nothing survives in the Writ Petition.

5. Recording the said statement of the learned Counsel for the petitioner and also taking into account the report of the Advocate Commissioner, the present Writ Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
   Udhakamandalam,
   Nilgiris District.

2. The Block Development Officer,
   Gudalur,
   The Nilgiris.

3. The President,
   Serangodu Panchayat,
   Cherambadi,
   The Nilgiris.

+1cc to Mr.R.T.Duraisamy, Advocate SR.88058
+1cc to the Government Pleader SR.89188

W.P.No.12007/2013

PP(CO)
CB(05/12/2019)

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