

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5685 of 2018

M.Sivalingam

...Petitioner

Vs.

1. The Chief Engineer,
Public Welfare Department,
Water Resource Organization,
Town Hall,
Coimbatore.
2. The Superintending Engineer,
Public Welfare Department,
Water Resource Organization,
Dharapuram,
Tiruppur District.
3. The Executive Engineer,
Public Welfare Department,
Water Resource Organization,
Amaravathi Basin, Division,
Dharapuram.
4. The Assistant Engineer,
Public Welfare Department,
Water Resource Organization,
Amaravathi Basin,
Komaralingam.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent Nos.2 to 4 to earmark the area and supervise the petitioner construction of small bridge over the Sarkar Kannadiputhur water channel, as per the approved plan and order dated 03.06.2014 on the file of 3rd respondent by considering his representation dated 26.02.2018.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

O R D E R

This Writ Petition is filed seeking for a Mandamus, directing the respondents 2 to 4 to earmark the area and supervise the petitioner construction of small bridge over the Sarkar Kannadiputhur water channel, as per the approved plan and order dated 03.06.2014 on the file of 3rd respondent by considering his representation dated 26.02.2018.

2. Heard both sides.

3. It is stated that the petitioner is the absolute owner of the land measuring an extent of 4.33 acres comprised in S.Nos.4, 5, 6, 7A situated at Komarlingam Village, Udumalpet Taluk. It is further stated that a water channel called Sarkar Kannadiputhur is running in front of the petitioner's agricultural land and therefore, to have access to his land, the petitioner has to cross the said water channel. Consequently, the petitioner sought for putting up a small bridge across the said water channel to cross the same and to reach his land.

4. It is seen that the 3rd respondent through proceedings dated 03.06.2014, granted permission to put up such bridge and also approved the plan submitted by the petitioner subject to certain terms and conditions.

5. Now, it is for the 4th respondent to visit the subject matter place and earmark the area in which the said bridge has to be put up by the petitioner. It is seen that already the petitioner has made a request for doing such exercise of earmarking of the area, by his representation dated 26.02.2018.

6. The grievance of the petitioner is that the said representation has not been considered so far.

7. Therefore, the writ petition is disposed of, only by directing the respondents 3 and 4 to consider the grievance of the petitioner and pass appropriate orders on his representation, also by taking note of the plan approved by the

third respondent as early as on 03.06.2014 for constructing such small bridge over the Sarkar Kannadiputhur water channel. The whole exercise shall be done by the third and fourth respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni/vri
To

1. The Chief Engineer,
Public Welfare Department,
Water Resource Organization,
Town Hall,
Coimbatore.
2. The Superintending Engineer,
Public Welfare Department,
Water Resource Organization,
Dharapuram,
Tiruppur District.
3. The Executive Engineer,
Public Welfare Department,
Water Resource Organization,
Amaravathi Basin, Division,
Dharapuram.
4. The Assistant Engineer,
Public Welfare Department,
Water Resource Organization,
Amaravathi Basin,
Komaralingam.

+1 cc to Mr.K.Mayilsamy, Advocate, S.R.No.38103

+1 cc to the Government Pleader, S.R.No.38814

RSI (CO)
SSM(20/05/2019)

W.P.No.5685 of 2018