



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1531 of 2019

Pradeep

... Petitioner

Vs.

1.The Secretary,
Public Works Department,
St. George Fort,
Secretariat,
Chennai.

2.The District Collector,
Office of the District Collector,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to remove the Kattu Karuvelam Trees in the Thottiyankulam Village, Alangulam Taluk, Tirunelveli District and protect the tank as per the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 based on the representation dated 17.09.2018.

For Petitioner

: Mr.A.Uthayakumar

For Respondents

: Mr.A.K.Baskarapandian
Special Government Pleader

* * * * *

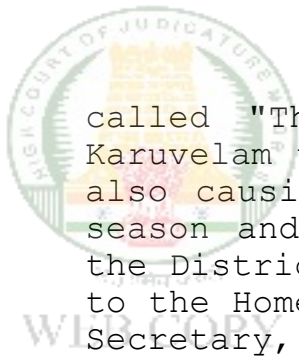
ORDER

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

By consent, the writ petition itself is taken up for final disposal and is disposed of by this order.

2. The petitioner is a resident of Alangulam Taluk, Tirunelveli District and according to him, there is a water body

<https://hcservices.ecourts.gov.in/hcservices/>



called "Thottiyankulam" where there is a wild growth of Kattu Karuvelam trees which resulted in drying of the said water body and also causing obstruction for collection/flow of water during rainy season and a detailed representation dated 17.09.2018 submitted to the District Collector, Tirunelveli District, with the copies marked to the Home Secretary, Secretariat, St. George Fort, Chennai and the Secretary, Public Works Department, Secretariat, Chennai, failed to evoke any kind of response and hence, came forward to file this writ petition.

3. The learned Counsel for the petitioner has drawn the attention of this Court to the said representation dated 17.09.2018 as well as the photographs available at page No.9 of the typed set of papers and would submit that admittedly, there is a wild growth of Kattu Karuvelam trees and despite very many personal representations followed by detailed written representations have been made, no action whatsoever has been taken by the concerned officials, which constrained the petitioner to approach this Court by way of the present Public Interest Litigation.

4. Per contra, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents, on instructions, would submit that admittedly, the representation ought to have been addressed to the Assistant Engineer, WRO, Public Works Department, Chitharu Division, Tenkasi, Tirunelveli District and as such, the respondents cannot response to the representation of the petitioner.

5. In response to the same, the learned Counsel for the petitioner craves leave of this Court to permit the petitioner to submit one more representation with photographs to the said official with a further direction directing him to consider and pass appropriate orders at an early date.

6. This Court has considered the rival submissions and perused the materials available on record.

7. This Court, in the light of the facts and circumstances, without going into the merits of the case projected either in the representation of the petitioner or in the writ petition, permits the petitioner to submit a fresh representation to the Assistant Engineer, WRO, Public Works Department, Chitharu Division, Tenkasi, Tirunelveli District, along with supporting documents and photographs, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the said official is directed to consider the same and pass appropriate orders on merits and in accordance with law within a further period of six weeks thereafter and communicate the decision taken thereon to the petitioner.



8. Accordingly, this writ petition stands disposed of as above. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar(CS)

To

- 1.The Secretary,
Public Works Department,
St. George Fort,
Secretariat,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Tirunelveli District.

Copy to:

The Assistant Engineer,
WRO, Public works Department,
Chitharu Division, Tenkasi,
Tirunelveli.

+1 CC to SPL GP SR-84612.

+1 CC to Mr.A.UTHAYA KUMAR, Advocate SR-84697.

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CS(27.09.2019) 3P 6C