



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.16828 of 2019
and
W.M.P (MD) No.13427 of 2019

Ponlingam

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Block Development Officer,
Alwarthirunagari Panchayat Union,
Thenthiruperai,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, forbearing the respondents from constructing top level water tank in Re.Sy.No.1426/2, Arivanmozhi Village, Sathankulam Taluk by considering the petitioner's representations dated 25.06.2019 and 03.07.2019.

For Petitioner : Mr.A.Balakrishnan
for Mr.K.P.Narayana Kumar

For Respondents : Mr.A.Thiyagarajan,
Government Advocate.

ORDER

The petitioner is a resident of Arivanmozhi Village. The Panchayat had constructed a water tank near the petitioners' house which, by lapse of time, had become dilapidated. At request of the residents of the Town, including the petitioner, the respondents had taken action to remove the water tank in the year 2018 to prevent any untoward incidents.

2.It appears that the respondents have now initiated steps to construct a new water tank in the same place, which is objected to by the petitioner.



3.Learned counsel for the petitioner points out that the location of the tank is very close to the petitioners' house and that an alternate appropriate site is available, a little distance away. Representations dated 25.06.2019 and 03.07.2019 filed by him before the second respondent request that the water tank be placed in the alternate site since the proximity between his house and the present site may lead to various hardships to the petitioner, including flooding by overflowing of the water from the tank.

4.Mr.A.Thiyagarajan, learned Government Advocate, who has accepted notice on behalf of both the respondents, points out that the present proposed location would be the ideal and appropriate location, since it is classified as 'Podhu Kinaru'. Be that as it may, he has no serious objection to the consideration of the petitioners' representations by the Block Development Officer within a time frame to be fixed by this Court.

5.In the light of the submissions made by both learned counsels and in the interests of justice, let the petitioners' representations dated 25.06.2019 and 03.07.2019 be disposed of by the Block Development Officer / second respondent herein, after hearing the petitioner and appropriate orders be passed on merits and in accordance with law, within a period of four weeks from today.

6.In the light of the aforesaid, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Thoothukudi District.

2.The Block Development Officer,
Alwarthirunagari Panchayat Union,
Thenthiruperai, Thoothukudi District.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate SR-78674 dated 30/07/2019

W.P (MD) No.16828 of 2019
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ps

JMN(28.08.2019) 2P : 4C

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