



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.19145 of 2019

S.Vijayalakshmi

... Petitioner

-vs-

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
- 3.The Executive Officer,
Sethur Panchayat,
Rajapalayam Taluk,
Virudhunagar District.
- 4.Mariyadas
- 5.Samuthiram
- 6.Ganesan
- 7.Subbiah
- 8.Gandhi
- 9.Karunanidhi
- 10.Esakki

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to take appropriate action to stream line the drainage channel flowing into the petitioner's property in S.No.403/1, situated at Sethur Village, Rajapalayam Taluk, Virudhunagar District and consequently to take action against the respondents 4 to 10 who had encroached the drainage channel by considering the petitioner's representation dated 13.08.2019.

For Petitioner : Mr.R.Rajesh

For Respondents 1 to 3 : Mr.A.Angappan
Government Advocate



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Rajesh, learned counsel appearing for the petitioner and Mr.A.Angappan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

2.With the consent of either side, the Writ Petition itself is taken up for final disposal.

3.The petitioner by way of this Writ Petition designed as Public Interest Litigation, seeks for a direction upon the respondents viz., 2 and 3 to take action on his representation, wherein, she has stated that the drainage channel has been diverted by encroaching the channel and as a result of which, sewage water is flowing in the petitioner's property. The petitioner attempted to clear the area, for which purpose, she engaged the services of Earth-Mover, but she could not take the Earth-mover to the said place on account of the threat meted out by the private respondents, which necessitated her to lodge a complaint before the Sethur Police Station and CSR No.195 of 2019 was issued, but, it has been recorded as civil dispute. Photographs have also been filed in the typed set of papers, which show that lot of sewage water is flowing, however, they do not show the reason for its stagnation. This aspect has to be looked into by the Revenue officials as well the Executive Officer of the Sethur Panchayat.

4.We make it clear that we have not expressed any opinion on the merits of the petitioner's allegations and it is for the authorities to take note of the allegations and act in accordance with law.

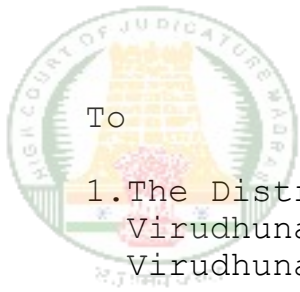
5.For the above reasons, the Writ Petition is disposed of, by directing the respondents 2 and 3 to look into the representation of the petitioner and if necessary, direct personal inspection to be conducted after notice to the private respondents 4 to 8 and proceed in accordance with law. The above direction shall be complied with within three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.The Executive Officer,
Sethur Panchayat,
Rajapalayam Taluk,
Virudhunagar District.

+1 CC to M/s.R.RAJESH, Advocate (SR-85416[F] dated 05/09/2019)

+1 CC to M/s.SPL GP (SR-85642[F] dated 06/09/2019)

W.P. (MD) No.19145 of 2019
04.09.2019

SJ

MS/18.09.2019/3P.6C