



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **28.11.2019**
CORAM:

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

W.P(MD)No.25334 of 2019

B.Parameshwai ... Petitioner

Vs.

- 1.The District Collector,
Theni District, Theni.
- 2.The Director,
The Directorate of Viglance and Anti-Corruption,
Chennai.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Theni District, Theni.
- 4.The Project Director,
Rural Development Agency,
Theni District, Theni.
- 5.The Block Development Officer,
Theni Panchayat Union, Theni.
- 6.The Deputy Block Development Officer,
Theni Panchayat Union, Theni.
- 7.The Village Panchayat Secretary,
Unjampatti Village,
Theni Panchayat Union,
Theni.
- 8.Chandira ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the fifth and seventh respondents herein to remove the encroachment in the said drainage by considering the representations dated 08.04.2019 and 03.06.2019 and consequently direct the first and second respondents to enquire the illegal activities done by the fifth and seventh respondents herein within a stipulated time.



For Petitioner : Mr.S.Saravanan

For R1 to R7 : Mr.A.K.Baskara Pandian
Special Government Pleader

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ORDER

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

Heard Mr.S.Saravanan, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, who accepts notice on behalf of the official respondents. By consent on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition seeking direction upon the fifth and seventh respondents to remove the encroachment in the area in question by considering the representations of the petitioner dated 08.04.2019 and 03.06.2019.

3. Pursuant to the representations given by the petitioner as well as the representation sent by an Advocate vide legal notice dated 30.09.2019, the Block Development Officer, has fixed personal hearing on 18.11.2019 at 11.0 a.m..

4. It is submitted by the learned counsel for the writ petitioner that the petitioner and the Advocate have attended the hearing. But however, till date no action has been taken. The learned counsel for the petitioner further submits that the eighth respondent has put up a washing stone in the public road and on account of the said washing stone in the road, the area is being drained and the entire area is very unhygienic. In this regard, the learned counsel has drawn attention of this Court to the photographs showing existence of the washing stone in the road and the portion of the road has been broken.

5. According to the learned Special Government Pleader, the washing stone has been put up by the eighth respondent. There is no drain line in the alongside road for the respondent to form a drain.

6. In any event, if a washing stone is put up in a public road, then obviously it has to be removed. That apart, the Local Body has the duty to ensure that the area is maintained in a hygienic condition. We direct the fifth respondent to take appropriate action pursuant to the personal hearing conducted on 18.11.2019 after issuing notice to the petitioner and the eighth respondent within a period of three weeks from the date of receipt of a copy of this order.



7. In view of the above, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Theni District, Theni.
- 2.The Director,
The Directorate of Viglance and Anti-Corruption,
Chennai.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Theni District, Theni.
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Rural Development Agency,
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Theni Panchayat Union, Theni.
- 6.The Deputy Block Development Officer,
Theni Panchayat Union, Theni.
- 7.The Village Panchayat Secretary,
Unjampatti Village, Theni Panchayat Union,
Theni.

+1 CC to Mr.S.SARAVANAN, Advocate (SR-102121[F] dated 28/11/2019)
+1 CC to SPL GP (SR-102798[F] dated 29/11/2019)

W.P (MD) No.25334 of 2019

28.11.2019

MK (09.01.2020) 3P 10C