

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.24241 of 2013

K.Kumar

... Petitioner

Vs.

1. Sivalingam,
President,
Panchayat Board,
Thimmalai Village,
Kallakurichi Taluk,
Villupuram District.

2. The Block Development Officer,
Thiyadurugam (Union),
Kallakurichi Taluk,
Villupuram District.

3. The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

4. The District Collector,
Villupuram District,
Villupuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to restore the septic tank damaged by him in Natham Survey No.159/2 in Thimmalai Village, Kallakurichi Taluk, Villupuram District, belonging to the petitioner thereby restoring the status-quo ante regarding the original position of the septic tank in the petitioner's property and consequently compensate the petitioner for the loss sustained by him.

For Petitioner : Mr.T.M.Kannan

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader
for R2 to R4
Mr.V.S. Sivasundaram
for R1 - No appearance

ORDER

This writ petition has been filed for a Mandamus to direct the first respondent to restore the septic tank damaged by him in Natham Survey No.159/2 in Thimmalai Village, Kallakurichi Taluk, Villupuram District.

2. It is the case of the petitioner that the first respondent without any prior notice assisted by his henchmen suddenly came to the house of the petitioner at Survey No.159/2 in Thimmalai Village, Kallakurichi Taluk, Villupuram District on the night of 07.08.2013 and with the help of his men broke open the entire septic tank put up by the petitioner in his house and also took away some construction materials from his house. According to the petitioner, he submitted a representation dated 16.08.2013 to the Collector, Tahsildar as well as the Block Development Officer calling upon them to take appropriate action against the first respondent.

3. It is the case of the petitioner that till date, no action has been taken against the first respondent nor the septic tank damaged by the first respondent has been restored. In such circumstances, this writ petition has been filed.

4. Heard Mr.T.M.Kannan, learned counsel for the petitioner and Mrs.K.Bhuvaneswari, learned Additional Government Pleader for respondents 2 to 4.

5. The case of the petitioner is that the first respondent has illegally demolished the septic tank found in the house of the petitioner at No.159/2 in Thimmalai Village, Kallakurichi Taluk, Villupuram District. He has also given a representation, dated 16.08.2013 to the second, third and fourth respondents calling upon them to take action against the first respondent for the illegal demolition of the septic tank. The relief sought for in this writ petition is to direct the first respondent to restore the septic tank damaged by him in No.159/2 in Thimmalai Village, Kallakurichi Taluk, Villupuram District. Though the first respondent may not be in service any more, only when he was the President of the Panchayat Board, Thimmalai Village, Kallakurichi Taluk, Villupuram District, the alleged incident happened on 07.08.2013. Whether the statement of the petitioner is true or not, it has to be enquired into by the second, third and fourth respondents. If the statement of the petitioner that the first respondent while in service without any notice has

illegally damaged the septic tank belonging to the petitioner is found to be true, the petitioner will have to be compensated or the septic tank has to be reconstructed at the cost of the respondents at the aforesaid premises of the petitioner.

6. For the foregoing reasons, this Court directs the second, third and fourth respondents to dispose of the petitioner's representation dated 16.08.2013 by passing final orders on merits and in accordance with law, within a period of twelve weeks from the date of the receipt of a copy of this order, after giving sufficient opportunity to the petitioner as well as the first respondent to place their respective submissions with regard to the alleged illegal demolition of the septic tank by the first respondent at the petitioner's house situated at No.159/2 in Thimmalai Village, Kallakurichi Taluk, Villupuram District on 07.08.2013.

7. With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Block Development Officer,
Thiyadurugam (Union), Kallakurichi Taluk, Villupuram District.
2. The Tahsildar, Kallakurichi Taluk, Villupuram District.
3. The District Collector, Villupuram District, Villupuram.

+1cc to The Government Pleader Sr.No.11796 & 13061

AKM/16.03.2020 /3p-5c/

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