

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.10342 of 2020

M/s.S&S Foundation Pvt Ltd.,
Rep. by its Chairman Mr.K.Sundararaj,
No.45, Giriappa Road,
T.Nagar, Chennai - 17. ...Petitioner

.vs.

1. The District Collector,
Tiruvallur District.
2. The Tahsildar,
Uthukottai Taluk,
Tiruvallur District.
3. The Panchayat Union Commissioner,
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,
Tiruvallur District.
4. The Block Development Officer (V/P)
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,
Tiruvallur District.
5. The Block Engineer/Assistant Engineer,
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,
Tiruvallur District. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 3 to 5 herein to furnish Work Plan, Technical Design, measurement sketch and other relevant documents as mentioned in work permission order of the first respondent in his proceedings in Na.Ka.No.1872/19/A2, dated 10.10.2019, pertaining to the pond namely "Sengannakulam"

comprised in S.No.114, situated at Alinjivakkam Village, Uthukottai Taluk, Tiruvallur District, enabling the petitioner to execute and complete project effectively.

For Petitioner : Mr.A.Ramalingam

For Respondents: Mrs.Narmadha Sampath
Additional Advocate General
Assisted by
E.Balamurugan
Special Government Pleader.

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 3 to 5 to furnish the work plan, technical design, measurement sketch and other relevant documents in order to enable the petitioner to complete the work of de-silting the water body.

2. The 1st respondent by proceedings dated 10.10.2019 permitted the petitioner to de-silt the water body comprised in Survey No.114 at Alingivakkam Village, Thiruvallur District. The permission order was also issued in favour of the petitioner by the 3rd respondent. According to the petitioner, the petitioner must incur the cost and the petitioner can carry on with the work after he is furnished with all the relevant documents like work plan, measurement sketch etc by the respondents 3 to 5. Since it was not given to the petitioner, the petitioner made a representation and the same was not considered. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel for the petitioner submitted that clause 2 of the work order specifically provides that respondents 3 to 5 must provide the work plan, technical design and measurement sketch before the petitioner can proceed further to de-silt the water body. This was not complied with by the respondents.

4. The learned Additional Advocate General appearing on behalf of the respondents submitted that the petitioner has been provided with all the documents and the petitioner was supposed to complete the work within a period of 30 days from the date of issuing the work order. The learned Additional Advocate General submitted that the work order was issued in favour of the petitioner on 23.10.2019 by the 3rd respondent and all the necessary documents were also given to the petitioner. The

petitioner did not even commence the work for nearly an year and therefore, it was decided by the respondents to carry on with the work since the monsoon is fast approaching.

5. The written instructions received by the Special Government pleader from the Commissioner of Ellapuram Panchayat union was also brought to the notice of this Court. It is seen that the work has not been commenced even after the issuance of the work order and it has been stated that all the necessary documents have already been given to the petitioner.

6. There is no out flow of funds for the petitioner till date and only after the commencement of the work, the petitioner will have to spend the money for the work. The respondents have now decided to carry on with the work and the same has to be done before the on set of the monsoon.

7. This Court does not find any reason to interfere with the decision taken by the respondents, since the petitioner is bound by the terms and conditions of the work order, which provided for the completion of work within 30 days from the date of issuance of the work order.

8. In the result, this writ petition is dismissed. No cost.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruvallur District. सत्यमेव जयते
2. The Tahsildar,
Uthukottai Taluk,
Tiruvallur District.
3. The Panchayat Union Commissioner,
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,
Tiruvallur District.
4. The Block Development Officer (V/P)
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,

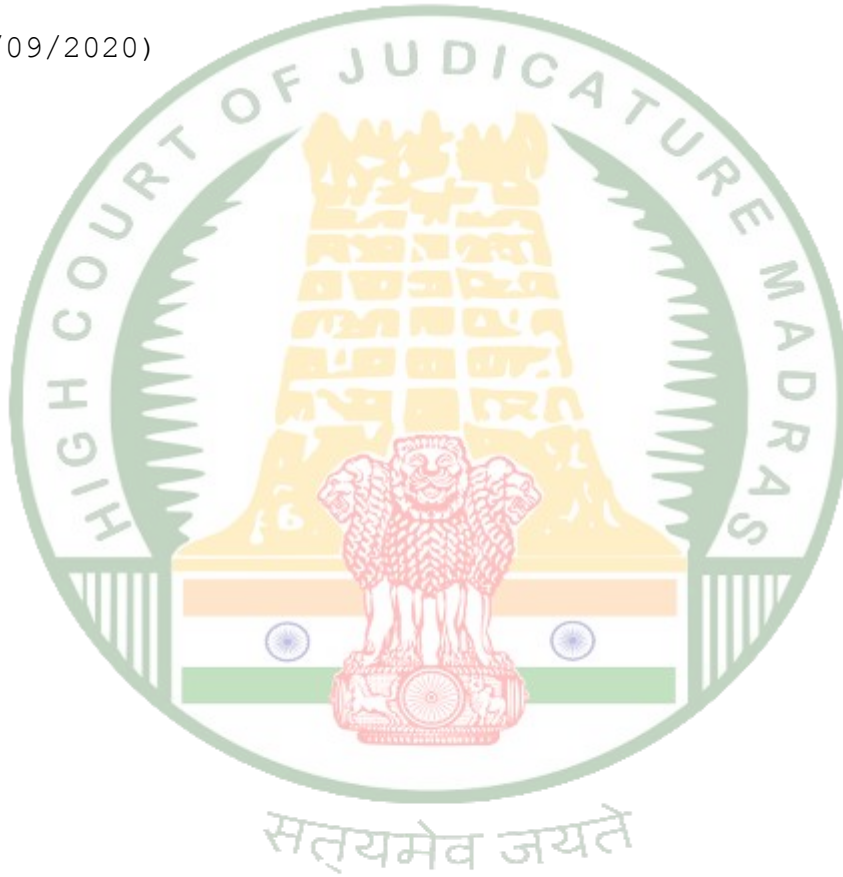
Tiruvallur District.

5. The Block Engineer/Assistant Engineer,
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,
Tiruvallur District.

+1cc to the Government Pleader, Sr.No.27270

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