

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12884 of 2020

P.Kaliyamurthy,
S/o Perumal,
Mariamman Koil Street,
Karaiyampalayam Village,
Sankarapuram Taluk,
Kallakurichi District. Petitioner

vs

1. The District Collector,
O/o Collectorate,
Kallakurichi.
2. The Tahsildar,
Sankarapuram Taluk,
Sankarapuram.
3. M.Balakrishnan,
S/o Muniyagounder
4. M.Ramasamy,
S/o Muniyagounder
5. M.Govindhan,
S/o Muniyagounder ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the 2nd respondent to consider and pass order on the petitioner's petition dated 17.08.2020 and grant permission to lay pipe line in poramboke foot path in Survey No.351, Eduthanur Village, Sankarapuram Taluk, Kallakurichi District and within the time frame fixed by this Court.

For Petitioner : Mr.R.Baskar
For Respondents : Mr.R.Govindasamy
Special Government Pleader
for R1 and R2

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.R.Govindasamy learned Special Government Pleader takes notice for the 1st and 2nd respondents. Since this writ petition is being disposed of without affecting the interest of respondents 3 to 5 in any manner, notice to them is dispensed with.

3. This Writ petition is filed seeking for a Mandamus to direct the 2nd respondent to consider and pass order on the petitioner's petition dated 17.08.2020 and grant permission to lay pipeline in poramboke foot path in Survey No.351, Eduthanur Village, Sankarapuram Taluk, Kallakurichi District and within the time frame fixed by this Court.

4. The case of the petitioner is as follows:

He got lease of a land measuring an extent of 1 acre in S.Nos.348/2B, 348/21, 348/29A, 348/3E, 23/9A, 23/9, 23/9B in between Seerpananandal and Eduththanur Village in Sankarapuram Taluk. For irrigating the said land, the petitioner seeks for laying pipeline through poramboke foot path in S.No.351 of Eduthanur Village and draw water from another private land. For which purpose, the petitioner made a representation on 17.08.2020 before the 1st and 2nd respondents. It is stated that the private respondents 3 to 5 are objecting to the laying of pipeline, who have not authority to do so.

5. Upon hearing the learned counsel for the petitioner, this Court is of the view that it is for the 2nd respondent to consider the representation of the petitioner and pass orders on merits and in accordance with law after hearing the petitioner as well as the respondents 3 to 5 and also other interested parties, if any, as this Court is not expressing any view on the merits of the claim made by the petitioner.

6. Learned Special Government Pleader who appears for the 1st and 2nd respondents submitted that the 2nd respondent will consider the said representation and pass appropriate orders in accordance with law.

7. In view of the above, this Writ Petition is disposed of by directing the 2nd respondent to consider the representation of the petitioner dated 17.08.2020 and pass orders on the same

on merits and in accordance with law after hearing the petitioner, the respondents 3 to 5 and other interested parties, if any. Such exercise shall be done by the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

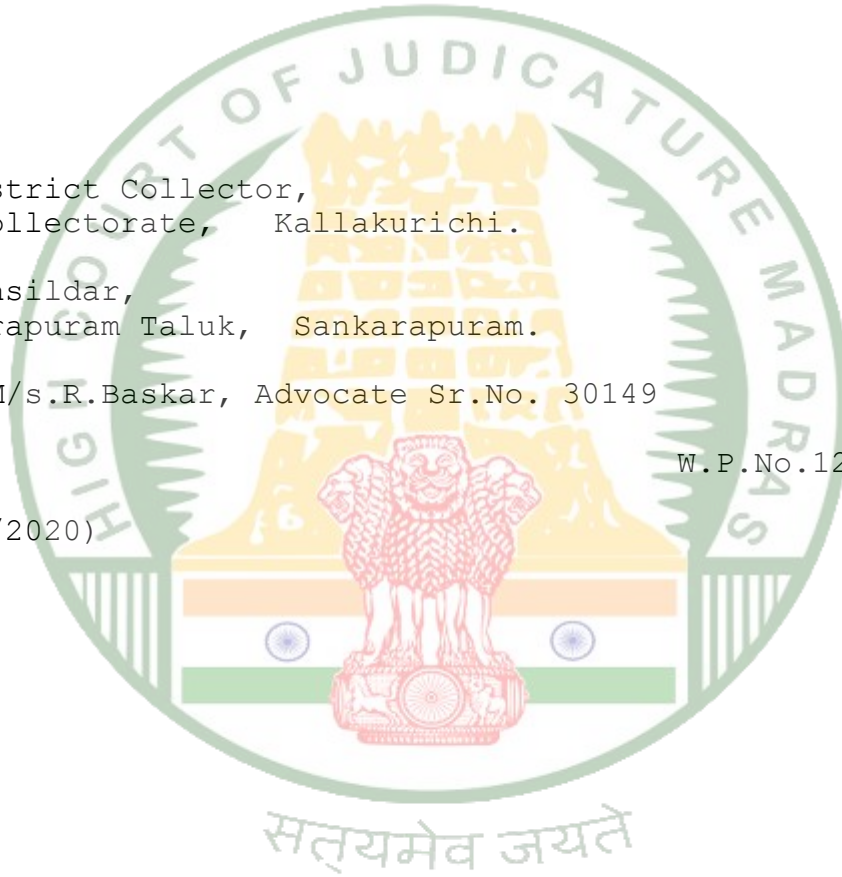
1. The District Collector,
O/o Collectorate, Kallakurichi.

2. The Tahsildar,
Sankarapuram Taluk, Sankarapuram.

+1 cc to M/s.R.Baskar, Advocate Sr.No. 30149

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RR(CO)
RMP(28/10/2020)



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