



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14599/2020

B.Marimuthu

..Petitioner

Versus

1. The Director of Town Panchayats
Tamil Nadu Town Panchayats Director Office
Raja Annamalaipuram,
Chennai - 28.

2. The Executive Officer
Desur Town Panchayat Office
Desur & Post, Vandavasi Taluk
Thiruvannamalai District.

3. The Sanitary Supervisor
Desur Town Panchayat Office
Desur & Post, Vandavasi Taluk
Thiruvannamalai District.

4. Mrs.Samundeeswari

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to remove the encroachment made by 4th respondent in the public drainage canal between the Swamy Gounder Street and Perumal Koil Street, Desur, Vandavasi Taluk, Thiruvannamalai District and restore the public drainage canal as it was before on the basis of petitioner's complaint dated 15.07.2020.

For Petitioner : Mr.C.M.Sekar
For RR 2 and 3 : Mr.V.Jayaprakash Narayan
Government Pleader

ORDER

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
(2)No notice to the 1st respondent is necessary and



Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of respondents 2 and 3.

(3)The petitioner is a resident of Perumal Koil Street, Desur, Vandavasi Taluk, Tiruvannamalai District and according to him, on the rear side of his house, a public drainage runs through a Government Poramboke land and it has been encroached by the 4th respondent and repeated complaints given in this regard, has failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(4)The learned counsel for the petitioner has drawn the attention of this Court to the photographs filed in the typed set of documents and would submit that the official who held the post of the 2nd respondent, had cleared the said drainage and whereas, the present incumbent, despite very many representations submitted in this regard by the petitioner as to the encroachment made by the 4th respondent, which is resulting in blockage of the drainage and which in turn, leads to the health and other hazards, has not taken any action and left with no other option only, the petitioner came forward to file the present writ petition and he would further add that the petitioner is not an encroacher upon any public land / land belonging to the local body / water body and the said submission, on instructions, is placed on record.

(5)This Court has considered the submissions made on either side and also perused the materials placed before it.

(6)Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs respondents 2 and 3 to put the petitioner as well as the 4th respondent on notice and cause inspection of the alleged public drainage which runs on the rear side of the petitioner's premises and depending upon the result of the inspection, shall take immediate, necessary and appropriate action in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 4th respondent herein.

(7)The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

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Desur Town Panchayat Office
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MTR(CO)
RV(04/11/2020)