



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **10.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

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W.P(MD)No.4860 of 2020

and

W.M.P(MD) .Nos.4237 and 4238 of 2020

Iyyakutty @ Rathinasamy

... Petitioner

Vs.

1.The Block Development Officer,
Village Panchayat,
Radhapuram,
Tirunelveli District.

2.The Superintending Engineer,
Public Works Department,
Department of Water Resources,
Tirunelveli Base,
Tirunelveli, Tirunelveli District.

3.The Executive Engineer,
Public Works Department,
Department of Water Resources,
Water Resources and Storage Division,
(Nambiaru) Valliyoor,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the impugned communication dated 25.02.2020 under reference Na.Ka.No.B3/979/2019 issued by the first respondent to the petitioner and subsequently quash the same as in valid, arbitrary and erroneous forthwith.

For Petitioner
For Respondents

: Mr.S.Palani Velayutham
: Mrs.J.Padmavathi Devi
Special Government Pleader (for R1)
Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader
(for R2 & R3)

ORDER

The petitioner is aggrieved by the letter addressed by the first respondent/Block Development Officer, Village Panchayat, Radhapuram, Tirunelveli District, in Na.Ka.No.B3/979/2019 dated



25.02.2020 to the respondents 2 and 3 namely Superintending Engineer and the Executive Engineer of Public Works Department. By the said letter, the first respondent had complained that the petitioner is exploiting ground water by digging bore well and using the water for commercial purposes.

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2.The learned counsel appearing for the petitioner states that the entire letter is motivated and based on a complaint, which itself is *malafide* in nature. However, the cause for the petitioner would arise only when the respondents 2 and 3 decide to act on the letter of the first petitioner. If they so desire, they must put the petitioner on notice in writing and the petitioner must be given sufficient opportunity to give his explanation and thereafter only, after hearing him, any order can be passed.

3.With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

- 1.The Block Development Officer,
Village Panchayat,
Radhapuram,
Tirunelveli District.
- 2.The Superintending Engineer,
Public Works Department,
Department of Water Resources,
Tirunelveli Base,
Tirunelveli, Tirunelveli District.
- 3.The Executive Engineer,
Public Works Department,
Department of Water Resources,
Water Resources and Storage Division,
(Nambiaru) Valliyoor,
Tirunelveli District.



+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-10965[F] dated 11/03/2020)

+1 CC to M/s.SPL.GP (SR-11054[F] dated 11/03/2020)

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**W.P (MD) No.4860 of 2020
10.03.2020**

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KK/23.03.2020/ 3P- 6C