



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.13702 of 2020

WEB COPY

P.Balamurugan

... Petitioner

Vs

1.The District Collector,
Thoothukudi District.

2.The General Manager,
Tamilnadu Salt Corporation Ltd.,
Mariyur-Valinokkam Salt Complex,
Sikkal Village, Kadaladi Taluk,
Ramanathapuram District.

3.The Tahsildar, Vilathikulam Taluk,
Thoothukudi District.

4.The Executive Officer,
Panchayat Office, Vaippar Village,
Thoothukudi District.

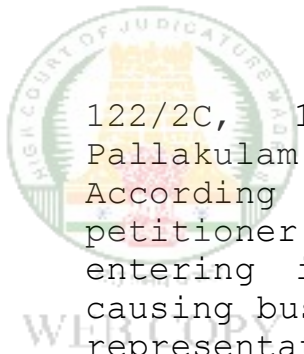
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take appropriate action to stop the polluted water entering into the petitioner's salt pan in S.Nos.122/4A, 122/3A, 122/4B2, 122/2A, 122/1A1, 123/3,123/2, 122/2C, 123/5A, 123/2B, 123/6A, 123/7A,122/3 situated at Pallakulam Village, Vilathikulam Taluk, Vilathikulam Sub Registration Office, Tuticorin District and to reconstruct the Odai running towards the Pallakulam Village based on the petitioner representation dated 23.09.2020.

For Petitioner	: Mr.R.Jegadeeswaran
For R1 to R3	: Mr.A.Karthik Government Advocate
For R4	: Mrs.M.Rajeshwari Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus to direct the respondents to take appropriate action to stop the polluted water entering into the petitioner's salt pan in Survey Nos. 122/4A, 122/3A, 122/4B2, 122/2A, 122/1A1, 123/3,123/2,



122/2C, 123/5A, 123/2B, 123/6A, 123/7A, 122/3 situated at Pallakulam Village, Vilathikulam Taluk, Tuticorin District. According to the petitioner, there is a Canal nearby the petitioner's lands and polluted water from the said Canal is entering into his Salt Pan in the aforesaid Survey numbers, causing business loss to him. According to the petitioner, he gave representation to the respondents on 23.09.2020, requesting them to stop the polluted water from entering into his Salt Pan from the water Channel running towards the Pallakulam Village and to reconstruct the Channel for proper usage. It is the case of the petitioner that till date the said representation has not been considered by the respondents. In such circumstances, this Writ Petition has been filed.

2.The relief sought for by the petitioner in this Writ Petition is an innocuous prayer. His only contention is that the polluted water from the neighbouring Canal is entering into his Salt Pan, thereby causing business loss to him. He has also given representation on 23.09.2020, requesting the respondents to consider his representation seeking to stop the polluted water from entering into his Salt Pan. Admittedly, the said representation has not been considered by the respondents.

3.Therefore, this Court directs the respondents to consider the petitioner's representation dated 23.09.2020, requesting them to stop the polluted water entering into his Salt Pan from the neighbouring water Channel, affording giving opportunity to all the neighbouring owners and aggrieved parties and if the respondents thereafter finds that polluted water is entering into the petitioner's Salt Pan only due to the release of any wastage by the neighbouring land owners, the respondents are also directed to take appropriate legal action against the erring individuals/Firms/Companies, in accordance with law, to prevent the polluted water from entering the petitioner's Salt Pan. Such exercise shall be completed within a period of four weeks, from the date of receipt of a copy of this order.

4.With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
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Thoothukudi District.

+1 CC to M/s.GP (SR-19177[F] dated 06/10/2020)

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KG (CO)
TR(13.10.2020) 3P 6C