



WEB COPY

W.P(MD).No.13956 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.13956 of 2020

and

W.M.P. (MD).No.11622 of 2020

U.Mahalingam

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Sub-Collector,
Devakottai,
Sivagangai District.

3.The President,
Kallal Village Panchayat,
Kallal - 630 305, Sivagangai District.

4.The Block Development Officer,
Kallal Union Office,
Kallal - 630 305, Sivagangai District.

5.Suresh,
Rajeswari Hotel,
Karaikudi Road,
Kallal, Sivagangai District.

6.The Inspector of Police,
Kallal Police Station, Kallal,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 & 4 to take appropriate action against 5th respondent based on the representation/Complaint of the petitioner dated 27.11.2017 by following subsequent proceeding of 2nd respondent in W.P(MD).No.11622 of 2020 dated 09.12.2017.

For Petitioner : Mr.J.Imran Khan

For Respondents : Mr.Rajarajan for R1& R2
Additional Government Pleader
Mr.P.Mahendran for R3 & R4
Additional Government Pleader



ORDER

This Writ Petition has been filed for a Mandamus, seeking for a direction to the respondents 3 & 4 to take appropriate action against 5th respondent based on the representation/Complaint of the petitioner on 27.11.2017.

2.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that the fifth respondent is having a Hotel by named "Rajeshwari" neighbouring to the petitioner's property. According to him, the fifth respondent has not maintained the drainage system in his Hotel properly and due to the same, it is causing nuisance to the neighbouring property owners. In the typed set of papers, the petitioner has filed photographs of the Hotel as well as the surrounding areas, which reveals that garbage being thrown in the open and there is stagnation of sewage water. The petitioner has given a representation on 27.11.2017 to the first and second respondents requesting them to take appropriate legal action against the fifth respondent for throwing garbage in the open and for improper maintenance of the sewage system in his Hotel. According to the petitioner, till date the respondents 3 & 4 have not taken any action against the fifth respondent, despite the representation given by the petitioner. In such circumstances, this writ petition has been filed.

4.This Court has perused and examined the documents filed along with the writ petition, which includes the photographs of the Hotel belonging to the fifth respondent as well as the surrounding areas, which reveal that there is water stagnation and garbage. The petitioner has already given a representation on 27.11.2017 to the first and second respondents to take action against the fifth respondent, who is the owner of the Hotel. No prejudice will be caused to the respondents, if the representation given by the petitioner is considered by the third and fourth respondents on merits and in accordance with law.

5.Accordingly, this Court directs the third and fourth respondents to consider the representation of the petitioner, dated 27.11.2017, requesting them to take legal action against the fifth respondent for not maintaining the sewage system in his Hotel properly and for throwing garbage in the open, thereby causing nuisance to the petitioner as well as the other neighbouring property owners and pass final orders, after giving notice to the fifth respondent as well as the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. If the third and fourth respondents come to the conclusion that the fifth respondent has not



maintained his sewage system properly and is throwing garbage from his Hotel in the open, the third and fourth respondents are directed to take suitable legal action against the fifth respondent in accordance with law.

6. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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,
Sivagangai District.

2. The Sub-Collector,
Devakottai,
Sivagangai District.

3. The President,
Kallal Village Panchayat,
Kallal - 630 305, Sivagangai District.

4. The Block Development Officer,
Kallal Union Office,
Kallal - 630 305, Sivagangai District.

+1 CC to SPL GP (SR-19622,19789[F] dated 09/10/2020)

+1 CC to Mr.J.IMRAN KHAN, Advocate (SR-19640[F] dated 09/10/2020)

W.P (MD) .No.13956 of 2020

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VB (19.10.2020) 3P 7C