



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.16783 of 2020

S.Muthalagu

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to accord permission to excavate the silt soil of the upland comprised in Survey No.166/1 an extent of 2 Acres 8 Cents and to fill the silt soil in the backyard/adjacent groove land of the petitioner's house comprised in Survey Nos.201/1A & 1B, situated at Vembar Village & Post, Vilathikulam Taluk, Thoothukudi District, based on the petitioner's representation dated 19.10.2020.

For Petitioner
For Respondents

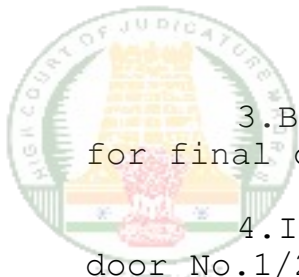
: Mr.A.Gandiappan
: Mr.C.Ramesh
Special Government Pleader

ORDER

(This writ petition heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to accord permission to excavate the silt soil of the upland comprised in Survey No.166/1 an extent of 2 Acres 8 Cents and to fill the silt soil in the backyard/adjacent groove land of the petitioner's house comprised in Survey Nos.201/1A & 1B, situated at Vembar Village & Post, Vilathikulam Taluk, Thoothukudi District, based on the petitioner's representation dated 19.10.2020, within a time frame fixed by this Court.

2.Heard Mr.A.Gandiappan, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, appearing for the respondents.



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

4.It is the case of the petitioner that he is residing at door No.1/211, Rameshwaram Road, Vembar Village & Post, Vilathikulam Taluk, Thoothukudi District, along with his family members, comprised in S.Nos.201/1A & 1B, Patta No.1153, measuring an extent of 0.20.74 hectares.

5.According to the petitioner, in the backyard, adjacent to his house, there is a groove, which requires to be levelled, since during rainy season there is water stagnation which results in mosquitoes breeding. The petitioner apprehends spreading of disease and health hazards due to the water stagnation. According to the petitioner, he is the owner of the land comprised in S.No.166/1 measuring an extent of 2 acres 8 cents, which is not levelled land, compared to the adjacent land and unable to store adequate water for cultivation of the land. He has submitted a representation to the respondents seeking for removal of silt soil from his land comprised in S.No.166/1, measuring an extent of 2 acres 8 cents and also for levelling of the land adjacent to his house comprised in S.Nos.201/1A & 1B, situated at Rameshwaram Road, Vembar Village & Post, Vilathikulam Taluk, Thoothukudi District. According to him, till date the said representation has not been considered by the respondents. In such circumstances, this writ petition has been filed.

6.The relief sought for by the petitioner in this writ petition is an innocuous relief. He has submitted an application with the respondents, seeking permission for removal of silt soil from his land comprised in S.No.166/1 measuring an extent of 2 acres 8 cents and also sought permission to level the adjoining lands. It is his case that there is a groove which requires to be levelled, since during rainy season water stagnation is there, leading to mosquitoes breeding. He also apprehends spreading of disease and health hazards. No prejudice will be caused to the respondents, if the representation of the petitioner is considered by them on merits and in accordance with law.

7.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 19.10.2020, seeking permission to excavate the silt soil of the upland comprised in S.No.166/1, measuring an extent of 2 acres 8 cents and to fill the silt soil in the backyard/adjacent groove land of the petitioner's house comprised in Survey Nos.201/1A & 1B, situated at Vembar Village & Post, Vilathikulam Taluk, Thoothukudi District and pass final orders on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order.



8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

WEB COPY

// 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,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
3. The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

+1 CC to M/s.A. GANDIAPPAN, Advocate (SR-23184[F] dated 27/11/2020)

+1 CC to M/s.SPL GP (SR-23128[F] dated 27/11/2020)

W.P(MD) .No.16783 of 2020
26.11.2020

CK(CO)
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