



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.2163 of 2018

R.Kuppusamy

... Petitioner

Vs.

1.The District Collector,
Dindigul,Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

4.The Executive Engineer,
TANGEDCO,
Kodaikanal Municipality.

... Respondents

(R - 4 is *suo motu* impleaded vide
order dated 10.01.2019)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 06.06.2017 within a stipulated period fixed by this Court.

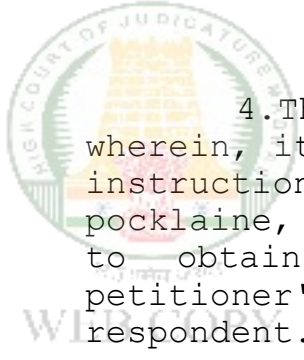
For Petitioner	: Mr.S.Gopala Manikandan
For RR 1 & 3	: Mr.C.Ramesh Special Government Pleader
For R - 2	: Mr.T.S.Mohammed Mohideen Standing Counsel

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 06.06.2017 within a stipulated period fixed by this Court.

2.According to the petitioner, though he made a representation dated 06.06.2017 to the respondents seeking permission to operate the bore-well only for drinking water purpose and not for commercial or agricultural purpose, so far, no action has been taken. Hence, the present Writ Petition.

3.The respondents 1 and 3 have not chosen to file counter-affidavit.



4.The second respondent has filed the counter-affidavit, wherein, it is stated that the first respondent has given a specific instructions to the Municipality to restrain heavy machines such as pocklaine, compressor etc., in Kodaikanal Municipality and they have to obtain permission from the concerned authority and the petitioner's application has to be considered by the first respondent.

5.The learned Special Government Pleader appearing for the respondents 1 and 3 submitted that the representation of the petitioner dated 06.06.2017 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.In view of the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the representation of the petitioner dated 06.06.2017 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

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,
Dindigul,Dindigul District.

2.The Tahsildar,
Kodaikanal Taluk,Dindigul District.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate(SR-16743[F] dated 14/09/2020)

+1 CC to M/s.GP (SR-16932[F] dated 15/09/2020)

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11.09.2020