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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.13889 of 2015

and

M.P.No.1 of 2015

M.Raman

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Kancheepuram District.

2.The Executive Officer,
Uthiramerur Town Panchayat,
Uthiramerur, Kancheepuram District.

3.The President,
Uthiramerur Town Panchayat,
Uthiramerur, Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 2 and 3 herein to construct in the water tank in the petitioner land situated in Patta No.993, Survey No.566/2 total extent of 32 cents at Vedapalayam, Uthiramerur Town Panchayat, Kancheepuram District.

For Petitioner : No appearance

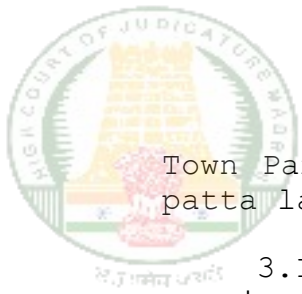
For Respondents 1 & 2 : Ms.Akila Rajendran
Government Counsel

For 3rd Respondent : No appearance

ORDER

The prayer sought for herein is for a writ of mandamus to forbear the respondents 2 and 3 herein to construct the water tank in the petitioner land situated in Patta No.993, Survey No.566/2 to the total extent of 32 cents at Vedapalayam, Uthiramerur Town Panchayat, Kancheepuram District.

2.The case of the petitioner is that, the property in S.No.566/2 to the extent of 32 cents at Vadapalayam, Uthiramerur



Town Panchayat, Kancheepuram District belongs to him as it is a patta land in Patta No.993.

3. In the said land, the respondents 2 and 3 without the permission of the petitioner allegedly has established a bore well for the purpose of constructing an overhead tank for water supply.

4. It is the further case of the petitioner that, though objection has been raised even for digging the bore well, the respondent proceeded to dig the bore well and it was over, according to the petitioner on 19.04.2015. Therefore, atleast to prevent the respondents from proceeding further to construct an over tank in that land, which according to the petitioner belongs to him, he has given a representation on 20.04.2015 to the second respondent. However, the said representation also was not considered and therefore, apprehending the second respondent's action that they would proceed further to construct the over tank in pursuance of the digging of bore well in the patta land of the petitioner, he has approached this Court by filing the present writ petition with the aforesaid prayer.

5. When the case is called, there is no representation for the petitioner. However, I heard Ms. Akila Rajendran, learned Government Counsel appearing for the respondents 1 and 2, who would submit that, if at all the bore well has already been erected as early as in the year 2015 what is the present status is not known. Therefore, in this regard, if still the petitioner has got any grievance, his representation dated 20.04.2015 said to have been given in this regard would be considered by the respondents, especially, the second respondent and an order to that effect would be passed in accordance with law.

6. I have considered the said submissions made by the learned Government Counsel appearing for the respondents 1 & 2 and have perused the materials placed before this Court.

7. In view of the aforesaid factual matrix, where, the prayer of the petitioner though was seeking for a writ of mandamus prohibiting the respondents from constructing the water tank, between the year 2015 and now, what work had been undertaken by the respondents 2 and 3 is not known.

8. Be that as it may, the petitioner's representation dated 20.04.2015 if it is still pending with the second respondent, as submitted by the learned Government Counsel, the same can be considered on merits and a decision can be taken thereon.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:



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That there shall be a direction to the second respondent to consider the representation of the petitioner dated 20.04.2015 if not already considered and disposed, and pass orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector,
O/o. The District Collector,
Kancheepuram District.
2. The Executive Officer,
Uthiramerur Town Panchayat,
Uthiramerur, Kancheepuram District.

+1cc to the Government Pleader, S.R.No.32580,32917

W.P.No.13889 of 2015

KV(CO)
SB(09/08/2021)