

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4940 of 2021

Karuppusamy

... Petitioner

Vs

1. The District Collector,
District Collector Office,
Erode.

2. The Thasildhar,
Anithiyur,
Erode District.

3. The Assistant Engineer,
Public Works Department,
(Water Resources Management)
Backside to Sub - Registrar Office,
Anthiyur,
Erode District.

4. The Executive Engineer,
Public Works Department,
(Water Resources Management)
Bhavani Sagar Dam Zone,
Bavanisagar,
Erode District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to take appropriation action by not allowing anyone to bury the dead bodies at Tank Bund of Poiyerikarai Tank existing at SF No.906/2 at Anthiyur A revenue Village, Anthiyur Taluk, Erode District by considering the representation of the petitioner herein dated 13.02.2021.

For petitioner ... Mr.N.Premalatha

For respondents ... Mr.K.Parameshwaran
Govt. Advocate for R1 & R2
Mr.M.Loganathan,
Addl. Govt. Pleader for R3 & R4

ORDER

Mr.K.Parameshwaran, learned Government Advocate accepts notice for respondents 1 and 2 and Mr.M.Loganathan, learned Additional Government Pleader accepts notice for respondents 3 and 4.

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

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to take appropriate action against the persons, who are burrying dead bodies at Tank Bund of Poiyerikarai Tank existing at SF No.906/2 at Anthiyur A revenue Village, Anthiyur Taluk, Erode District, by considering the representation, dated 13.02.2021.

4. The petitioner claims that he is the absolute owner of the agricultural lands at SF No.904/1A1 and 904/1A2 at Anthiyur A revenue Village, Anthiyur Taluk, Erode District. According to him, on the Northern side of his property, a public tank exists. According to him, there is a graveyard near the said tank. It is the case of the petitioner that some of the villagers are digging the tank bund for more than six feet resulting in weakening the stability of the tank bund during rainy season. According to the petitioner, he has been repeatedly requesting the residents of Poiyerikarai Village not to place dead bodies in the said tank bund. According to him, despite the said requests, the villagers continue to place the dead bodies in the tank bund. In such circumstances, the petitioner has given representations to the respondents on 05.02.2021 and on 13.02.2021 requesting them not to allow anyone to burry dead bodies in the above referred tank bund. Since the said representations have not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

5. Heard Ms.V.Premalatha, learned counsel for the petitioner, Mr.K.Parameshwaran, learned Government Advocate appearing for respondents 1 and 2 and Mr.M.Loganathan, learned Additional Government Pleader appearing for respondents 3 and 4.

6. The relief sought for in this writ petition is an innocuous one. The petitioner claims that the residents of Poiyerikarai Village are burrying dead bodies in the said tank bund. He has given representations on 05.02.2021 and 13.02.2021 to the respondents requesting them to take necessary steps to safeguard the said tank bund. Admittedly, the said representations have not been considered till date. No prejudice will be caused to the respondents, if the petitioner's

representation is considered on merits and in accordance with law after hearing all necessary parties, including the petitioner.

7. For the foregoing reasons, this Court directs the respondents 1 and 2 to consider the petitioner's representation dated 13.02.2021 requesting them not to allow anyone to bury dead bodies at the tank bund of Poiyerikarai Tank existing at SF No.906/2 at Anthiyur A revenue Village, Anthiyur Taluk, Erode District, and pass final orders on merits after hearing all necessary parties including the petitioner, within a period of twelve 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 (CS-VII)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector,
District Collector Office,
Erode.

2. The Thasildhar,
Anithiyur,
Erode District.

3. The Assistant Engineer,
Public Works Department,
(Water Resources Management)
Backside to Sub - Registrar Office,
Anthiyur,
Erode District.

4. The Executive Engineer,
Public Works Department,
(Water Resources Management)
Bhavani Sagar Dam Zone,
Bavanisagar,
Erode District.

+lcc to Mr.R.Nalliappan, Advocate SR.13250
+lcc to the Government Pleader SR.13690, 13715

W.P. No.4940 of 2021

SKY (CO)
CB(23/03/2021)



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