

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5079 of 2021

R.Ramalingam ... petitioner

Vs

- 1 The District Collector
Office of the District Collector
Namakkal District.
- 2 The Revenue Divisional Officer
Office of the Revenue Divisional Office
Tiruchengode Namakkal District- 637 211.
- 3 The Tahsildar
Office of the Tahsildar Tiruchengode Taluk
Namakkal District- 637 211.
- 4 The Block Development Officer
Office of the Block Development Office
Tiruchengode
Namakkal District- 637 211. respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from changing the original use of Bund on the kodivaikkal located in S.F. NO. 225 234 247/2 248 249 250 251/1 264 264 278 279 280 292 Molasi village, Tiruchengode Namakkal District and consequently direct the respondents 1 to 3 not to entertain any applications to lay pipe line or carry out any masonry works in S.F. No.225, 234 247/2 248 249 250m 251/1 264 265 278 279 280 292, Molasi village Tiruchengode.

For Petitioner : Mr.E.P.Senniyangiri
For Respondents: Mr.V.Jayaprakash Narayanan,
State Government Pleader

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner seeks to restrain the respondents from changing the original use of the bund on the Kodivaikkal located

in specific survey numbers of Molasi Village, Tiruchengode Taluk, Namakkal District and for a consequential order not to entertain any applications to lay a pipeline or carry out masonry works in the above mentioned survey numbers.

2. The writ petitioner asserts that he resides at Molasi, Tiruchengode Taluk, Namakkal District and that there is a natural stream called "Kodivaikkal" that starts at the foot of Tiruchengode hills and ends at the Cauvery river, covering a distance of about 20 kms. It is further contended that the Government has undertaken a scheme which may result in damage to the bunds. In particular, it is apprehended that a pipeline scheme is being undertaken which may cause damage to the waterbody. The petitioner has submitted a representation on 23.12.2020 and has also followed up on the same by submitting applications under the Right to Information Act. In spite of the same, it is stated that no action has been taken thereon.

3. Learned Government Pleader accepts notice on behalf of all the respondents and states that the representation of the petitioner would be considered and disposed of in a time bound manner. Accordingly, without examining the merits of the representation dated 23.12.2020, the third respondent-Tahsildar is directed to consider such representation and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all affected parties.

4. W.P.No.5079 of 2021 is disposed of on the above terms. Consequently, W.M.P.No.5655 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

tar

To:

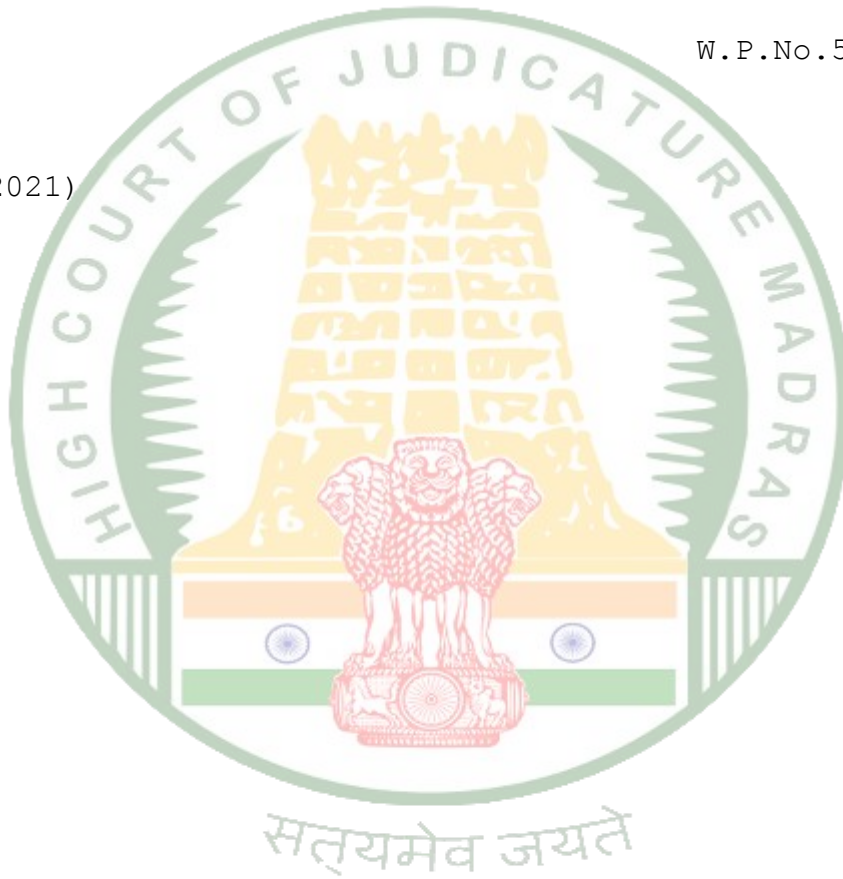
- 1 The District Collector
Office of the District Collector
Namakkal District.
- 2 The Revenue Divisional Officer
Office of the Revenue Divisional Office
Tiruchengode Namakkal District- 637 211.

- 3 The Tahsildar
Office of the Tahsildar Tiruchengode Taluk
Namakkal District- 637 211.
- 4 The Block Development Officer
Office of the Block Development Office
Tiruchengode
Namakkal District- 637 211.

+lcc to the Government Pleader, S.R.No. 18007

W.P.No.5079 of 2021

SMI (CO)
GN (03/05/2021)



WEB COPY