

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5945 of 2020

M.Jameel Basha ... Petitioner

Vs

- 1 The District Collector
Perambalur District Perambalur
- 2 The Block Development Officer
Veppanthattai Taluk Perambalur District
- 3 The President
V. Kalathur Village Panchayath V. Kalathur
Post Veppanthattai Taluk Perambalur
District 621 117
- 4 Seenivasa Rao
- 5 Marimuthu
- 6 Muthusamy
- 7 Sellaiya
- 8 Muniyamuthu
- 9 Sakthivel
- 10 Murugesan
- 11 Ramar

सत्यमेव जयते ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the respondents 1 to 3 to take necessary steps to resume and complete the construction of drainage water canal in Muslim Street Main Road Sides Bazaar Street at V. Kalathur Panchayat with the estimation of Rs.9 15 000/- proceedings in NA/ MA No. A5/ 2423/ 2017 dated at 23.3.2018 for disposal of drainage water at Government Road Purampokku Land towards East Perambalur Road Veppanthattai Taluk Perambalur, with providing necessary protection subsequently take appropriate action against the respondents 4 to 11 pursuant of the petitioner representation dated 26.02.2020.

For petitioner :: Mr.M.Subash

For respondents :: Mr.K.S.Suresh,
Government Advocate, for R-1

Mr.A.Ramesh,
for 4th respondent

Mr.A.S.Thambuswamy,
for 2nd respondent

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner seeks a Mandamus to direct the official respondents to resume and complete the construction of a drainage water canal in Muslim Street, Main Road, Bazar Street at V.Kalathur Panchayat.

2. The petitioner contends that several representations were submitted to the official respondents in connection with the construction and completion of the aforesaid drainage water canal but that work has not been completed as on date.

3. In matters of this nature, a Mandamus cannot be issued by this Court to direct the executive authorities to undertake construction activity as prayed for by the writ petitioner.

4. The Block Development Officer has filed a counter-affidavit of January 25, 2021 stating that the construction of the sewerage canal could not be proceeded with on account of the unwillingness of respondents 4 to 11 to continue and complete the same.

5. In the above facts and circumstances, without examining the merits or tenability of the representations of the writ petitioner, the official respondents are directed to consider the representations and dispose of the same by a speaking order within a period of six weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all

affected parties, including the private respondents. In the event the writ petitioner is aggrieved thereby, the writ petitioner may pursue his remedies in accordance with law, otherwise than by way of a public interest litigation, upon establishing his locus standi. W.P.No.5945 of 2020 is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The District Collector,
Perambalur District, Perambalur.
- 2 The Block Development Officer,
Veppanthattai Taluk, Perambalur District.
- 3 The President,
V. Kalathur Village Panchayath,
V. Kalathur Post, Veppanthattai Taluk,
Perambalur District 621 117.

+2cc to Mr.M.Subash, Advocate Sr.7913
+1cc to Mr.A.Ramesh, Advocate Sr.7593
+1cc to the Government Pleader Sr.7688

W.P.No.5945 of 2020

mg[co]
srg 22/02/2021

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