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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24721 of 2021

D.Vivekanandan

... Petitioner

-vs-

1. The District Collector,
District Collector Campus,
Coimbatore District,
Coimbatore.
2. The Sub Collector,
Pollachi,
Coimbatore District.
3. The Tahsildhar,
Pollachi,
Coimbatore District.
4. The Executive Engineer,
Public Works Office,
Anaimalai,
coimbatore District.
5. The Executive Officer,
Kottur Panchayat,
Kottur, Pollachi Taluk,
Coimbatore District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 5th respondent to implement the order of 2nd respondent in its proceedings in Oo.Mu.1989/2020/A1 dated 01.10.2020, 4th respondent proceedings in Letter No.Thonup/MuVa.Aa/Ko.9/140m/2020 dated 20.10.2020 and on the basis of the representation dated 04.02.2021 to take appropriate action to resolve issue of the drainage water stagnated in my land and also to remove the garbage and liquor bottles thrown out by the residents of Ceylon colony in the petitioner lands within the time fixed by this court.



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For Petitioner : Mr.C.Veera Raghavan

For Respondents : Ms.Akila Rajendran
Government Advocate (R1 to R4)
Mr.E.Balathandayutham
Government Advocate for R5

O R D E R

The prayer sought for herein is for Writ of Mandamus directing the 5th respondent to implement the order of 2nd respondent in its proceedings in Oo.Mu.1989/2020/A1 dated 01.10.2020, 4th respondent proceedings in Letter No.Thonup/MuVa.Aa/Ko.9/140m/2020 dated 20.10.2020 and on the basis of the representation dated 04.02.2021 to take appropriate action to resolve issue of the drainage water stagnated in petitioner's land and also to remove the garbage and liquor bottles thrown out by the residents of Ceylon colony in the petitioner lands within the time fixed by this court.

2. That the petitioner is having property at Door No.2, Devipattinam, Vettaikaranpudur Post, Pollachi Taluk, Coimbatore District, where he is residing. Adjacent to the said property there is a colony called Ceylon colony and next to the said Ceylon colony there is an Agricultural land for the petitioner and since there has been no proper drainage facilities for the said Ceylon colony the sewage is being let in, in the agricultural property of the petitioner. Therefore, in order to take action to prevent the letting in of sewage in the agricultural / land property of the petitioner he had given request to the District Administration, which was considered by the second respondent Sub-Collector, who, in turn had forwarded the same to the fourth respondent to take action. In this regard, the fourth respondent in turn had forwarded the same with request to the fifth respondent to take action because the property in question comes under the jurisdiction of the fifth respondent Town Panchayat.

3. Despite these communications having been sent and directions were issued by the second and fourth respondents to the fifth respondent, who, on receipt of the said communication as well as the petitioner's further representation dated 04.02.2021, along with the Photographs annexed therein, detailing or explaining the sewage being let in, in the agricultural property of the petitioner, has not taken any action. Therefore, in order to take action by the fifth respondent and to give a direction to that effect to the



respondents, especially the fifth respondent, the present writ petition is filed seeking for aforesaid prayer.

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4. Reiterating the aforesaid facts, the learned counsel for the petitioner would seek indulgence of this court to give a mandamus as prayed for.

5. Heard the learned Government Counsel appearing for respondents including fifth respondent who, on instructions would submit that, if at all any representation has been directly given by the petitioner to the fifth respondent, and already communications have been made by the second and fourth respondent forwarding the earlier representation of the petitioner to the fifth respondent, certainly action would be taken in those representations and the request of the petitioner and needful would be undertaken by the fifth respondent Town Panchayat within a stipulated period.

6. I have considered the said submissions made by both the parties and perused the materials placed on record.

7. In view of the aforesaid facts, where the petitioner's earlier representation dated 03.09.2020 had been forwarded by both the second respondent as well as the fourth respondent on 01.10.2020 and 20.10.2020 respectively to the fifth respondent to take action and subsequently to the fifth respondent petitioner has made a direct representation on 04.02.2021 with supporting documents ie., photographs etc., the fifth respondent has to necessarily take action as explained on the said request of the petitioner dated 04.02.2021.

8. In that view of the matter, there shall be a direction to the fifth respondent to consider the representation of the petitioner dated 04.02.2021 and his earlier representation dated 03.09.2020 which was forwarded by the second and fourth respondent through their perspective communications and take necessary action in this regard to prevent the sewage being let in, in the agricultural property of the petitioner and the needful as indicated above shall be undertaken and completed by the fifth respondent within a period of eight weeks from the date of receipt of copy of this order.



9. With these directions this writ petition is disposed of.
No costs.

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Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

rap/kst

To

1. The District Collector,
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Coimbatore District,
Coimbatore.
2. The Sub Collector,
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5. The Executive Officer,
Kottur Panchayat,
Kottur, Pollachi Taluk,
Coimbatore District.

+1cc to Mr.C.Veera Raghavan, Advocate SR.No.60809

W.P. No. 24721 of 2021

PCH(CO)
GMY(08/02/2022)