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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26566 of 2021

A.Balasubramanian

... Petitioner

-Vs-

1.The District Collector

Erode District, Office of the
District Collector of Erode Collectorate (PO)
Erode 638 011.

2.The President

Paariyur Vellalapalayam Village
P.Vellalapalayam Post
Gobichettipalayam Taluk
Erode 638 476.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representation dated 15.11.2021 by the first respondent.

For Petitioner : Mr.S.Kaithamalai Kumaran

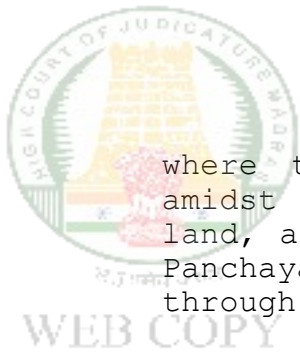
For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader - for R1

Mr.S.Ravikumar,
Special Government Pleader - for R2

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to consider the representation dated 15.11.2021 by the first respondent.

2. The case of the petitioner is that, the petitioner is having patta land at S.No.178 2B and 179 2A to the extent of 10.50 acres, which is an agricultural land at Pariyur Vellalapalayam village, Gobichettipalayam Taluk, Erode District,



where the petitioner is also cultivating sugarcane, turmeric amidst coconut grove and banana plantation. In the said patta land, according to the petitioner, the second respondent Village Panchayat has proposed to lay a drainage or sewerage line through which the entire sewerage of the village is to be let in.

3. With regard to the said move, the petitioner, though made objections and representations in this regard to the authorities like the Block Development Officer and the President of the Village Panchayat, the proposal of the second respondent has not been given up. Therefore, finally the petitioner has given a representation on 15.11.2021 to the first respondent to take action against the second respondent for stopping the proposed sewerage line to be laid in the patta land of the petitioner and since the representation has not been considered, he has filed the present writ petition with the aforesaid prayer.

4. Mr.S.Kaithamalai Kumaran, learned counsel for the petitioner, after having reiterated the aforesaid facts, would seek the indulgence of this Court to issue a direction to the first respondent to decide the representation of the petitioner and take action accordingly.

5. Heard Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the first respondent and Mr.S.Ravikumar, learned Special Government Pleader appearing for the second respondent, who, on instructions would submit that, the so called sewerage line had been there for several decades and therefore it is not a new phenomena to be introduced by the second respondent Panchayat. Anyhow, now since a representation has been given to the first respondent by the petitioner, let the representation to be decided and let the first respondent or any of his subordinates to whom the representation is forwarded, shall give notice to the second respondent and after getting the views of the second respondent, a decision can be taken in the said representation, they contended.

6. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

7. In view of the afore stated submissions made by the learned counsel for the parties and taking into account the innocuous nature of the prayer in the present writ petition, this Court is inclined to dispose of this writ petition with the following order.



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"That there shall be a direction to the first respondent to consider the representation of the petitioner dated 15.11.2021 after giving notice to the petitioner as well as the second respondent and accordingly pass suitable orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Collector
Erode District, Office of the
District Collector of Erode Collectorate (PO)
Erode 638 011.

2.The President
Paariyur Vellalapalayam Village
P.Vellalapalayam Post
Gobichettipalayam Taluk
Erode 638 476.

+1 cc to Mr.S.Kaithamalai Kumaran, Advocate Sr.NO. 66851
+1 cc to Government Pleader Sr.NO. 67944

W.P.No.26566 of 2021

cc (CO)
A.SK(06.01.2022)