

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

C O R A M

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5555 of 2017
and
W.M.P.No.5895 of 2017

T.Ashokkumar ... Petitioner

//vs//

1. The District Collector,
Erode,
Erode District.

2. The Tahsildar,
Perundurai Taluk,
Erode District- 638 052.

3. The Special Officer /
Block Development Officer,
Chennimalai - 638 052

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, forbearing the second and third respondents and their subordinates, from interfering with the petitioner's transportation of water for his domestic needs from petitioner's land situated in R.S.Nos.962/1, 962/1B, Alagapuram Extension-II, Vellode Village, Perundurai Taluk, Erode District to the petitioner's house located at No.42, 2nd Street, Sakthi Nagar, Thindal, Erode - 638 012.

For Petitioner ... Mr.P.Kannan Kumar

For Respondents 1 & 2 ... Mr.Digvijay Pandian, AGP

For Respondent-3 ... No Appearance

O R D E R

The relief sought for in this Writ petition is for issuance of a Writ of Mandamus forbearing the respondents 2 and 3 and their subordinates from interfering with the petitioner's transportation of water for his domestic needs from his land situated in R.S.Nos.962/1, 962/1B, Alagapuram Extension-II, Vellode Village, Perundurai Taluk, Erode District to his house located at No.42, 2nd Street, Sakthi Nagar, Thindal, Erode - 638 012.

2. The petitioner had purchased the above mentioned property on 02.05.2007 under a Sale Deed dated 02.05.2007 in Document No.2272 of 2007. According to the petitioner, the respondents are interfering with the transportation of water for his domestic needs from his land to his house, though he is ready to produce the relevant documents to show that the water is being transported for his domestic usage. He made a representation dated 25.02.2017 to the respondents requesting them not to disturb him from transporting water to his house located at Sakthi Nagar, Erode from his land situated in Vellode Village. Since the said representation has not been considered, the petitioner is before this Court.

3. The second respondent/the Tahsildar, Erode District had filed a counter affidavit dated 14.12.2020, wherein, in paragraph 4, he has specifically stated that neither the second respondent nor his subordinates are interfering with the petitioner's transportation of water for his domestic needs from the subject land. It is further stated that the third respondent/the Block Development Officer, Chennimalai, in his letter Ref.No.297/2017/B2, dated 19.11.2020, to the second respondent, viz., the Tahsildar, Perundurai Taluk, Erode District, stated that the action pertaining to the writ petition filed by the petitioner is being taken in his office file Ref.No.297/2017/B2. The Tahsildar has once again repeated the same in paragraph 6 of the counter affidavit, which cannot be appreciated by this Court. Further, the said communication has not even been produced before this Court.

4. There is no representation for the Block Development Officer/The Special Officer, Chennimalai.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 is also unable to produce the communication of the third respondent stated in the counter affidavit.

6. In such circumstances, the respondents 2 and 3 are directed to conduct an enquiry in this regard, after affording an opportunity of personal hearing or virtual hearing to the petitioner and the persons interested in this regard and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. The copy of the counter affidavit filed by the erstwhile Tahsildar, Perundurai Taluk, Erode District, repeating the same things, may be placed before the District Collector, Erode District to take appropriate action.

8. With the above direction, the above Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

srn

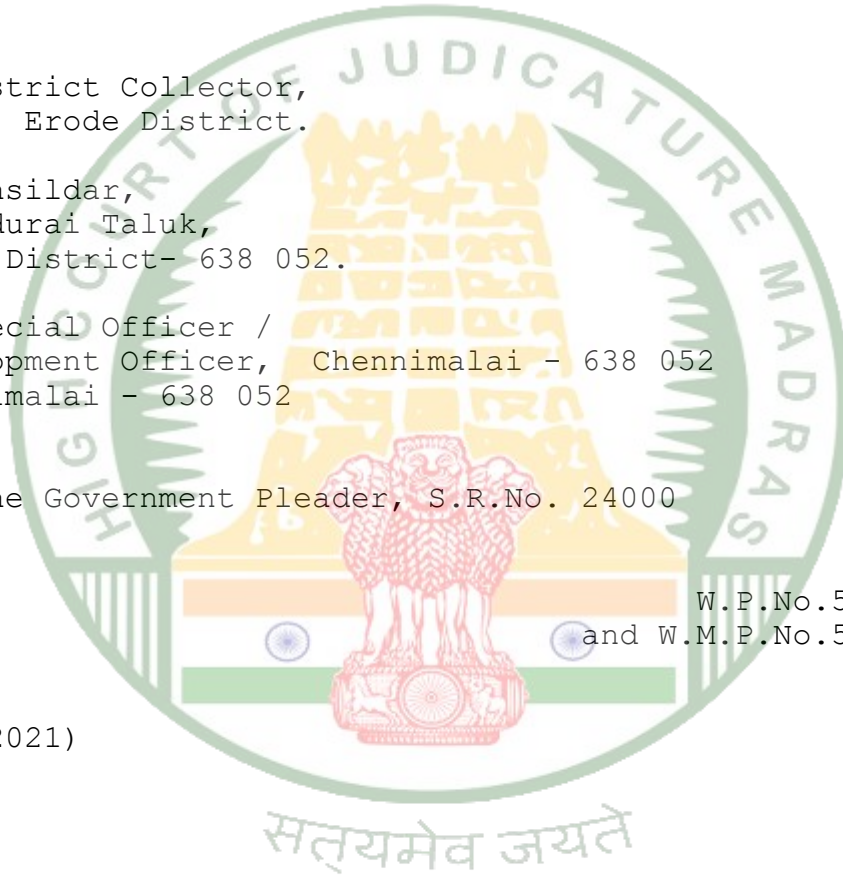
To

1. The District Collector,
Erode, Erode District.
2. The Tahsildar,
Perundurai Taluk,
Erode District- 638 052.
3. The Special Officer /
Development Officer, Chennimalai - 638 052
Chennimalai - 638 052

+1cc to the Government Pleader, S.R.No. 24000

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GPL (CO)
GN(17/06/2021)



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