



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.6.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26798 of 2017 and
W.M.P.No.28520 of 2017

- 1 G. Balamurugan
S/o. Late M. Gurunathan,
13/4 Salaiyar Street, R.A. Puram,
Mandaiveli, Chennai 28
- 2 G.Mahhalaxmi
D/o Late M. Gurunathan,
26 I Avalupettai Road, Tiruvannamalai 606 601
- 3 G. Senthil kumar
S/o. Late M. Gurunathan,
90 Kattabomman Road,
Tiruvannamalai 606 601 ... Petitioners

Vs.

- 1 The District Collector
Tiruvannamalai
- 2 The Commissioner
Tiruvannamalai Municipality Tiruvannamalai
- 3 The Executive Engineer
Public Works Department (Highways)
Tiruvannamalai ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to ensure that the sewerage water does not enter the land situate at S.No.39/1A/1B/1A3 Tiruvannamalai Town Tiruvannamalai District and further direct the respondents to pay compensation for the damages.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.M.R.Gokulkrishnan, G.A.
RR1 & R3



O R D E R

According to the petitioners, the writ petitioners are absolute owners of the lands situate at S.No.69/1A/1B/1A3. The petitioners cultivated various kinds of crops ranging from fruits to lentils and other crops. The respondents diverted the flow of the sewerage water from across the road and channeled it all along the petitioners' property, which caused damages to the petitioners' standing crops, cattle and also the well water. He suffered heavy loss monetarily. Therefore, the petitioners made objection to the respondents, however, no action has been taken by the respondents. Therefore, they have filed the present writ petition.

2. Notice ordered by this Court, however, no counter affidavit has been filed.

3. The objection made by the petitioners in the representation, dated 18.8.2017, and the copy of the said representation also marked to the Commissioner, Tiruvannamalai Municipality. According to the petitioners, the second respondent is the authority to take necessary action in the petitioners' representation.

4. Considering the serious nature of complaint made in the representation of the petitioners, the second respondent is directed to consider the said objection and pass appropriate orders on merit, to ensure that the sewerage water does not enter into the petitioners' land, as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of copy of this order. It is needless to say that the petitioners shall also send copy of the representation, dated 18.8.2017 to the second respondent along with the copy of this order.

5 The writ petition stands disposed of with the above directions. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tiruvannamalai

2.The Commissioner, Tiruvannamalai Municipality
Tiruvannamalai.

3.The Executive Engineer,
Public Works Department (Highways)
Tiruvannamalai.

+1cc to the Government Pleader, S.R.No.29835

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JP-II (CO)
CB(19/07/2021)