



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14506 of 2021

and

W.M.P(MD) .No.11437 of 2021

S.Ramadass

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.
2. The Chief Engineer,
Water Resource Organization,
Public Works Department,
Madurai.
3. The Executive Engineer,
Water Resource Organization,
Public Works Department,
Keel Vaigai Vadinila Kottam,
Paramakudi,
Ramanathapuram District.
4. The Director,
Town and Country Planning,
CMDA Complex, Market Road,
Koyembedu, Chennai.
5. The Commissioner,
Paramakudi Municipality,
Paramakudi
6. R.Subramanian
7. R.Kanagaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing respondents 2 to 4 to initiate appropriate action against respondents 6 & 7 based on the petitioner's representation dated 29.07.2021 for violation of condition of NOC granted by the second respondent in its Letter No.VaPa/VaA.2/Koo.NOC (Bridge)/2019 dated

<https://hcservices.gov.in/hcservices/>



28.07.2020 within a time frame fixed by this Court.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.R.Baskaran,
Counsel for State,
For R1 to R4.

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ORDER

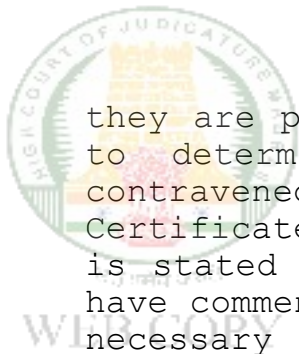
The petitioner seeks appropriate action against the sixth and seventh respondents on the basis of the petitioner's representation dated 29.07.2021.

2. The petitioner states that he is the absolute owner of the nanja lands in various survey numbers at Paramakudi Town, Ramanathapuram District. He states that such lands are irrigated by the Vaigai River through a branch canal. The petitioner further states that respondents 6 and 7 own adjoining lands bearing T.S.No.7/12. According to the petitioner, the sixth respondent applied for permission to construct a bridge to facilitate easy access to the punja lands for agricultural purposes. The application submitted for such purpose was accepted and the No Objection Certificate was granted by the second respondent on 28.07.2020. By drawing reference to such No Objection Certificate, the petitioner contends that a plain reading of the No Objection Certificate indicates clearly that the sixth and seventh respondents were permitted to construct the bridge only to enable easy access for agricultural purposes. The petitioner also points out that the consent of the Public Works Department was made mandatory prior to putting the bridge to use and that the No Objection Certificate was expressly made liable to cancellation in the event of contravention of the terms and conditions thereof.

3. In violation of the purpose for which the No Objection Certificate was granted, the petitioner states that the sixth and seventh respondents have initiated action to develop a lay out in their lands and to sell plots upon such development. According to the petitioner, this contravenes the express terms and conditions of the No Objection Certificate, which is, therefore, liable to be cancelled.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the second respondent may be directed to dispose of the petitioner's representation on merits within a reasonable time frame.

5. By referring to both the application for the No Objection Certificate as well as the permission granted on the basis of such application, the petitioner has contended that the No Objection Certificate is liable to be cancelled. It is possible



they are put on notice. In these proceedings, it is not necessary to determine whether the sixth and seventh respondents have contravened the terms and conditions of the No Objection Certificate. Nevertheless, especially in view of the fact that it is stated by the petitioner that the sixth and seventh respondents have commenced the process of developing the lay out, it is just and necessary that the second respondent takes a reasoned decision on the petitioner's representation without delay.

6. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 29.07.2021 and dispose of the same by a reasoned order within a period of thirty (30) days from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and to the sixth and seventh respondents herein. On account of the fact that the merits of the matter have not been gone into and because the second respondent has been directed to hear the sixth and seventh respondents before passing orders, the Writ Petition is disposed of without notice to the private respondents.

7. W.P.(MD).No.14506 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.11437 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

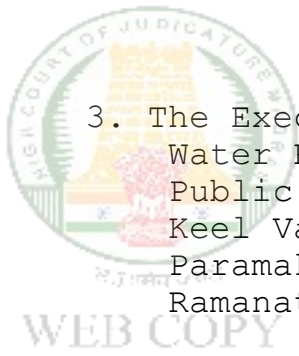
Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Ramanathapuram District.
2. The Chief Engineer,
Water Resource Organization,
Public Works Department,
Madurai.



3. The Executive Engineer,
Water Resource Organization,
Public Works Department,
Keel Vaigai Vadinila Kottam,
Paramakudi,
Ramanathapuram District.

4. The Director,
Town and Country Planning,
CMDA Complex, Market Road,
Koyembedu, Chennai.

5. The Commissioner,
Paramakudi Municipality,
Paramakudi

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-26665[F] dated 18/08/2021)

+1 CC to M/s.GP (SR-26766[F] dated 19/08/2021)

W.P (MD) No.14506 of 2021
17.08.2021

MGJ(26.08.2021) 4P 8C