



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.14894 of 2021

WEB COPY

Sakthivel

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer,
Office of the Block Development Officer,
T.Kallupatti, Madurai District.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

4.Seethalakshmi

5.P.Ammapatti Panchayat,
Through its President,
Peraiyur Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider and pass orders on the representation of the petitioner dated 03.08.2021 within a time fixed by the Court.

For Petitioner	:	Mr.M.Gnanagurunathan
For Respondents	:	Mr.R.Baskaran, Counsel for State for R-1 and R-3
	:	Mr.R.Suresh Kumar for R-2

ORDER

The petitioner seeks a direction to the second respondent to consider and pass orders on his representation dated 03.08.2021 seeking disconnection of the water connection given to the fifth respondent. The petitioner claims that the fourth respondent had purchased a property in the petitioner's village. Although the fourth respondent has not constructed a house thereon, it is alleged that the water connection is being used for the purpose of fish cultivation. A representation was submitted in such circumstances and on account of the failure to take action



thereon, the present Writ Petition is filed.

2. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 and 3 and Mr.R.Suresh Kumar, learned counsel, accepts notice on behalf of the second respondent.

3. The petitioner has alleged that the water connection is being used for the purpose of fish cultivation and that the same is not a permitted use of water. It is quite likely that the private respondents would deny such allegation if they are put on notice. However, at this juncture, it is not necessary to go into the merits of such allegation. As regards the second respondent, such respondent should consider the representation strictly in accordance with the applicable Rules and pass a reasoned order thereon.

4. Subject to the above observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 03.08.2021 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the fourth and fifth respondents herein and any other person who would be affected by such order. In view of the fact that the merits of the matter have not been examined and because the second respondent has been directed to hear the fourth and fifth respondents before taking a decision, the Writ Petition is disposed of without notice to the private respondents.

5. Accordingly, W.P.(MD).No.14894 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

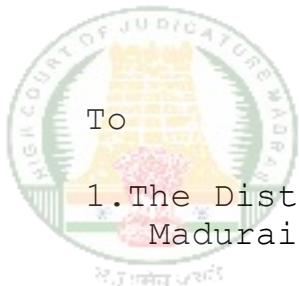
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/ /2021

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,
Madurai District, Madurai.

2.The Block Development Officer,
Office of the Block Development Officer,
T.Kallupatti, Madurai District.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-27068[F] dated
24/08/2021)

W.P (MD) No.14894 of 2021
24.08.2021

PS (CO)
SB(02.09.2021) 3P 5C