



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.18981 of 2020

and

W.M.P. (MD) No.15912 of 2020

Ramasamy Gounder

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Block Development Officer,
Thothampatti,
Dindigul.

4.The Tahsildar,
Palani,
Dindigul.

5.The President,
Vilvathampatti Panchayat,
Dindigul.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 5th respondent dated 04.12.2020 and quash the same as illegal and consequently directing the respondents to consider and pass orders on the petitioner's representation dated 10.11.2020, on merits and in accordance with law, within a stipulated time limit.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader
for RR.1, 2 & 4



Mr.J.Gunaseelan Muthiah,
Additional Government Pleader
for RR.3 & 5

ORDER

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(Order of the Court was made by **M.M.SUNDRESH, J.**)

Though the impugned order dated 04.12.2020 is under challenge in this writ petition, the learned Counsel appearing for the petitioner submitted that the request made by the petitioner seeking permission to lay the new pipeline has not been considered while passing the order impugned.

2. From the records, it appears that the petitioner was taking water without permission for quite number of years. The present proceedings has been initiated only in view of his attempt to lay down new pipelines by replacing the old ones. There is no reference about the representation of the petitioner having been considered.

3. Admittedly, the petitioner has not obtained any permission. It appears that there are number of other persons, who are also taking water to their agricultural lands through the Odai, by laying underground pipelines, without any permission. Thus, if the respondents are taking action, they should take action on all such illegal and unauthorized pipelines putup.

4. Inasmuch as the impugned order does not indicate the representation of the petitioner being considered, neglecting his request, we direct the respondents 3 & 5, as the case maybe, to pass appropriate final orders, within a period of six weeks from the date of receipt of a copy of this order. While doing so, the respondents 3 & 5, as the case may be, will have to indicate as to whether permission sought for can be granted or not. In the event of permission not being granted, we expect appropriate action to be taken as against the other similarly placed persons. We make it clear that till such time, *status quo*, as on date, shall be maintained and therefore, even the petitioner is barred from acting further towards the laying of pipeline.

5. With the above observations and directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (Crl Side)

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/ /2021

Sub Assistant Registrar(CS)



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Block Development Officer,
Thothampatti,
Dindigul.

4.The Tahsildar,
Palani,
Dindigul.

5.The President,
Vilvathampatti Panchayat,
Dindigul.

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-2315[F] dated
29/01/2021)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-2502[F] dated
29/01/2021)

+1 CC to M/s.SPL GP (SR-2145[F] dated 27/01/2021)

W.P. (MD) No.18981 of 2020
25.01.2021

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KK (09.02.2021) 3P 9C