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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.2906 OF 2022 &
WMP.NO.3043 OF 2022

K.S.Ganeshkumar

...Petitioner

Vs

- 1.The District Collector,
Erode District,
Erode-638 011.
- 2.The Deputy Director of Town
and Country Planning,
Office of Town and Country Planning,
Chennimalai Road,
Erode-638 009.
- 3.The Assistant Director of Rural Development,
Panchayats, Collectorate,
Erode-638 011, Erode District.
- 4.The Block Development officer,
Gobichettipalayam,
Erode District.
- 5.Naathipalayam Panchayat,
Rep. by its president,
Naathipalayam,
Kullampalayam-638 476,
Gobichettipalayam Taluk,
Erode District.

6.S.Maheswari

...Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to take action against the 6th respondent and the purchasers for letting out the drainage water from the layout formed in S.F. Nos.82/1B, 82/1C and 83/5 into the seepage canal which runs through my patta lands in S.F. Nos.89/1, 89/2 and 89/3 of Nadhipalayam Village, Gobichettipalayam Taluk, Erode District by considering the petitioners representations, dated 04.10.2021 and 10.12.2021.



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For Petitioner : Mr.N.Manokaran
For Respondents : Mr.Vadivel Deenadayalan,
Additional Government Pleader
[For R1 to R3]

Mr.Harshwanth
for Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader
[For R4 & R5]

O R D E R

Mr.Vadivel Deenadayalan, learned Additional Government Pleader accepts notice for R1 to R3 and Mr.Harshwanth, learned Counsel appearing on behalf of Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader accepts notice for R4 & R5 and both are armed with instructions to proceed with the matter finally. Hence, by consent of all learned Counsel, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner who claims to be owner of agricultural lands comprised in S.F.Nos.89/1, 89/2 and 89/3 of Nadhipalayam Village, Gobichettipalayam Taluk, Erode District seeks a mandamus directing the official respondents, namely R1 to R5, cohesively to take action against R6 and the purchasers of plots that have been sold by R6 to them, for letting out drainage water from the layout formed in S.F.Nos.82/1B, 82/1C and 83/5 into the seepage canal which runs through his patta lands.

3. As per the instructions received, the learned Counsel for the official respondents would submit that this appears to be a private dispute as between petitioner and R6. My attention is also drawn to the graphic representation of the layout to enable proper appreciation of the layout of the plots.

4.These are factual matters that are best left to the authorities herein, to consider, along with the rival contentions of the petitioner as well as the 6th respondent and others in the neighborhood, so as to obtain a proper idea of the facts involved and arrive a decision.

5. Accordingly, mandamus as sought for is issued. R4 / The Block Development officer, Gobichettipalayam, Erode District is directed to take the assistance of R5, being the President of Naathipalayam Panchayat, Naathipalayam, Kullampalayam-638 476, Gobichettipalayam Taluk, Erode District, hear the petitioner, R6 and other appropriate parties/persons in the neighborhood and pass a speaking order upon representations of the petitioner



dated 04.10.2021 and 10.12.2021 within a period of eight (8) weeks from today.

6. The Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

sl/kbs

To

- 1.The District Collector,
Erode District,
Erode-638 011.
- 2.The Deputy Director of Town
and Country Planning,
Office of Town and Country Planning,
Chennimalai Road,
Erode-638 009.
- 3.The Assistant Director of Rural Development,
Panchayats, Collectorate,
Erode-638 011, Erode District.
- 4.The Block Development officer,
Gobichettipalayam, Erode District.
- 5.The president,
Naathipalayam Panchayat,
Naathipalayam,
Kullampalayam-638 476,
Gobichettipalayam Taluk,
Erode District.

+1cc to Mr.N.Manokaran, Advocate, Sr.No.10926

+1cc to the Government Pleader, Sr.No.11632

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GPL(CO)
RVM(06/04/2022)