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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.6694 of 2022
and
W.M.P.No.6775 of 2022

P.Bharath

... Petitioner

Vs

1. The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur,
Chennai - 600 069.

2. Vetrivendhan

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to prohibit the 2nd respondent or any other persons from removing the sewerage water using tanker lorries without license from the 1st respondent, in the residential and other buildings situated within the jurisdiction of the 1st respondent.

For Petitioner : Mr.V.Jayaprakash

For R1 : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a direction to the 1st respondent to prohibit the 2nd respondent or any other persons from removing the sewerage water using tanker lorries without license from the 1st respondent, in the residential and other buildings situated within the jurisdiction of the 1st respondent.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.C.Selvaraj, learned Additional Government Pleader who takes notice for the 1st respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he is the successful bidder for removing sewage water from the residential and other buildings within the jurisdiction of the 1st respondent. Accepting his bid, the resolution was passed by the 1st respondent and granted license to the petitioner by proceedings dated 23.07.2021, to remove the sewage water till 31.03.2022 or till the next date of auction. While so, the 2nd respondent who is an unsuccessful bidder by using the influence of his brother Selvakumar, who is working as Superintendent in the office of the 1st respondent, illegally operating the sewage water tank and removing the sewage water in residential and other buildings situated within the jurisdiction of the 1st respondent. Even without any license he is collecting charges from the owner of the residential and other buildings. The petitioner has given a complaint against the 2nd respondent to the Inspector of Police, T-13, Kundrathur Police Station, Chennai - 69. The petitioner has also given representations dated 14.11.2021 and 17.12.2021 to the 1st respondent, requesting to take action against the 2nd respondent. Even then, no action was taken by the 1st respondent preventing the 2nd respondent from removing the sewage water and collecting money from the owner of the residential and other buildings. Hence, the petitioner has come out with the present Writ Petition.

4. The grievance of the petitioner is that he is the only licensee to remove the sewage water from the residential and other buildings within the jurisdiction of the 1st respondent. The 2nd respondent is illegally using sewage water tank and removing sewage water and collecting money from the owner of the residential and other buildings, without any license.

5. Mr. C. Selvaraj, learned Additional Government Pleader appearing for the 1st respondent submitted that the petitioner was granted license to remove the sewage water till 31.03.2022 or till the next date of auction and the petitioner will be permitted to remove the sewage water as per the proceedings dated 23.07.2021. He further submitted that the 1st respondent will consider the representations of the petitioner and pass orders.

6. Heard the learned counsel appearing for the petitioner as well as Mr. C. Selvaraj, learned Additional Government Pleader appearing for the 1st respondent and perused the materials on record.

7. Even though the petitioner has sought for larger relief, considering the above submission of the learned counsel appearing for the petitioner, it would be suffice to direct the 1st respondent to consider the representations of the petitioner. Accordingly, the 1st respondent is directed to consider the



representations of the petitioner dated 14.11.2021 and 17.12.2021 and pass orders on merits and in accordance with law, within a period of one (1) week from the date of receipt of a copy of this order.

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8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To:

The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur,
Chennai - 600 069.

+1cc to the Government Pleader, S.R.No.19894

W.P.No.6694 of 2022
and
W.M.P.No.6775 of 2022

AK-II (CO)
SU (24/03/2022)