



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.8897 OF 2022 AND
W.M.P.NO.8732 OF 2022

K.Sundaramoorthy

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by the District Collector,
Tiruppur district.
2. The Assistant Director,
Village Panchayat department,
Collectorate, Tiruppur district.
3. The Block Development Officer,
Avinashi, Tiruppur district.
4. The President,
Sembainallur Village Panchayat,
Avinashi Taluk, Tiruppur district.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to consider the Petitioner's representation dated 28.02.2022 and received by them on 01.03.2022 within a time frame as stipulated by this Court.

For Petitioner : Mr.Dharani Subramanian

For RR 1 & 2 : Mr.T.K.Saravanan
Government Advocate

For RR 3 & 4 : Mr.K.Tippusultan
Government Advocate



O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents to consider the representation of the petitioner dated 28.02.2022 and pass orders.

2.By consent of the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 & 2 as well as the learned Government Advocate appearing for the respondents 3 & 4, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 & 2 as well as the learned Government Advocate appearing for the respondents 3 & 4 and perused the entire materials on record.

4.According to the petitioner, the land in Survey No.221/1, measuring to an extent of 0.77 acres along with a well and vacant pathway in Sembianallur Village, Avinashi Taluk, Tiruppur District, belongs to petitioner and his family members. While so, without any notice and consent from the petitioner and his family members, the respondents are trying to dig pits in the patta land of the petitioner to lay the drainage in the lands in Survey No.221/1J, for providing drainage line for the residents of Kumaran Nagar and Sriram Nagar. Even though there is a poramboke land available, the 4th respondent with ulterior motive, is trying to lay the sewerage line pipe in Survey No.221/1J, belonging to petitioner and his family members. Hence, the petitioner has given a representation dated 28.02.2022 to the respondents and has come out with the present Writ Petition as no order has been passed on the said representation.

5.Considering the contention of the petitioner that the 4th respondent is trying to lay the sewerage pipe line in the patta land of the petitioner and has given representation to the respondents on 28.02.2022 and the respondents have received the said representation on 01.03.2022, the respondents are bound to consider the representation and pass orders. In view of the same, the 1st respondent is directed to consider the representation of the petitioner dated 28.02.2022 and pass orders in accordance with law after giving opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Till the 1st respondent pass orders, the respondents are restrained from laying the sewerage line in the petitioner's land.



6. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

krk

To

1. State of Tamil Nadu,
Rep. by the District Collector,
Tiruppur district.
2. The Assistant Director,
Village Panchayat department,
Collectorate, Tiruppur district.
3. The Block Development Officer,
Avinashi, Tiruppur district.
4. The President,
Sembainallur Village Panchayat,
Avinashi Taluk, Tiruppur district.

+lcc to Mr.Dharani Subramanian, Advocate, SR.NO.24884
+lcc to Government Pleader, SR.NO.25072

W.P.No.8897 of 2022

PL(CO)
PM/26/04/2022