



WEB COPY



W.P. No. 32229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32229 of 2022

and

W.M.P. Nos. 31634 and 31636 of 2022

V.K.Ravichandran

... Petitioner

-VS-

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.
3. The Tahsildar,
Perur,
Coimbatore District.
4. The Block Development Officer,
Thondamuthur,
Coimbatore District.
5. The President,
Ikkarai Boluvampatti,
Semmedu,
Coimbatore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Fifth Respondent from discharging sewage or waster water into the water canal which is running into



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Petitioner's agricultural land comprised in S. Nos. 463/1C, 891/1, 891/2, 891/3, 894/1C, 886/1A situated at Ikkarai Boluvampatti Village, Semmedu, Coimbatore District by considering the representation dated 20.07.2021.

For Petitioner : Mr. K.Myilsamy

For Respondents : Mr. P.Balathandayutham,
Special Government Pleader (for R1)

Mr. T.Sampath Kumar,
Government Advocate (for R2 & R3)

Mr. P.Sanjay Gandhi (for R4 & R5)

ORDER

Heard Mr. K.Myilsamy, Learned Counsel for the Petitioner, Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First Respondent, Mr. T.Sampath Kumar, Learned Government Advocate appearing for the Second and Third Respondents and Mr. P.Sanjay Gandhi, Learned Counsel for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to prevent the Fifth Respondent from discharging sewage or waster water into the water canal which is running into



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agricultural land of the Petitioner comprised in S. Nos. 463/1C, 891/1, 891/2, 891/3, 894/1C, 886/1A in Ikkarai Boluvampatti Village, Semmedu, Coimbatore District by considering his representation dated 20.07.2021.

3. In response to the claim of the Petitioner, the Fifth Respondent has filed Counter-Affidavit dated 01.12.2022 in which it has been stated as follows:-

“3. I respectfully submit that without going into the merits of the case, I am advised to submit that the Fifth Respondent Village Panchayat is not discharging sewage or water waster into the water canal. During commencement of the South West monsoon in Kerala which extends to Western Ghats and on account of huge downpour in various Districts of Kerala and Western Districts of Tamil Nadu, including Coimbatore District, sewage or waster water gets mixed with rain waters and enters into the fields including Petitioner's Land.

4. I submit that the Fifth Respondent Village Panchayat is very much aware of the difficulties faced by the people and in order to alleviate sufferings during the monsoon, this Village Panchayat has been sanctioned Fund to the tune of Rs. 13.2 lacs vide Na. Ka.



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No. 1325/2021/A2 dated 25.08.2022 *Proceedings of the District Collector, Coimbatore, based on the 15th Central Finance Committee for Construction of Sewage Sump with motor and pump room at Seemmedu H/O Ikkarai Bolivampatti Panchayat, Thondamuthur Block and administrative approval is awaited.*

5. *I submit that apart, under Anaithu Grama Anna Marumalarchi Thittam (AGAMT – II) 2021-2022, administrative approval was granted by the District Collector/Chariman, District Rural Development Agency, Coimbatore, for construction of Drain and Construction of Horizontal Soak Pit at Semmedu, H/O Ikkaraiboluvampatti Panchayat, at an estimated value of Rs. 8.5 lacs and in pursuance of the above, Tenders were invited for the job and Thiru. K.P.Chinnaraj, being successful Tenderer was awarded the job vide Proceedings of the Thondamuthur Block Development Officer (Village Panchayat), made in R.C.No.1085/2021/B3 dated 22.09.2022. The process of inviting Sealed Tender for the work to be executed based on the funds allocated by the 15th CPC is also underway and execution of these works will be completed within a period of 4 months from the date*



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of commencement of the Work by the Contractors, to whom the work would be entrusted for execution. As and when the aforesaid works are completed, I am advised to submit that the issue raised by the Petitioner in the present Writ Petition would not arise. In view of the aforesaid submission, it is necessary in the interest of justice to dispose of the Writ Petition.”

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but if the Petitioner has any further grievance, he is not precluded from working out his rights before proper forum in the manner recognized by law.

4. In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

02.12.2022

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Index: Yes/No

Note: Issue order copy by 05.01.2023.



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P.D. AUDIKESAVALU, J.

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