



W.P(MD)No.3596 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3596 of 2013

and

M.P(MD)Nos.1,2,3 and 5 of 2013

K.Lekshmi Saran

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Block Development Officer,
Agasteeswaram,
Kanyakumari District.

3.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

4.The Samythoppu Village Panchayat,
Represented by its President,
Samythoppu,
Agasteeswaram Taluk,
Kanyakumari District.

5.A.Thangapandian

6.Mohan

... Respondents

(R6 is impleaded vide Court order, dated
25.08.2022 in M.P(MD)No.4 of 2013)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in RC.No.AS. 95/2013 dated 28.02.2013 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, forbearing the Respondent No.1 to 3 from allowing the drainage water entering into the rain water channel which runs through the petitioner's Licensed Salt Factory area situated at Survey Nos.735 to 743, 745 to 750 and 757 to an extent of 75.06.5 Hectares, Tamaraikulam Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 - R3	: Mr.D.Sasikumar Additional Government Pleader
For R4	: No Appearance
For R5	: Mr.M.Saravanan for Mr.T.Antony Arulraj
For R6	: Mr.P.T.Ramesh Raja

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which he has directed the revenue, police and president of the local body to comply with the order passed by this Court in W.P(MD)No.7932 of 2012, dated 01.02.2013.



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2. This Court, by an order, dated 01.02.2013 has directed not to block any drainage line and he has also directed that it is the duty of the fourth respondent/Panchayat herein to maintain the construction and provide all facilities as per Section 110 of Tamil Nadu Panchayat Act, 1994. The learned Single Judge has further directed that it is the duty cast upon the third respondent to provide facilities for construction of drainage and disposal of draining water and sullage, not including the sewage water. This order is sought to be implemented by the order of the first respondent herein, which is impugned in the writ petition. Since the order impugned in the writ petition is nothing, but implementation of the orders of the learned Single Judge, this Court cannot interfere in the said order.

3. However, the learned counsel for the petitioner submits that he is running a salt pan, which is located just west of the drainage channel. Due to over flowing of the drainage channel, the sullage water enters into the salt pan and it completely destroys the salt pan. The learned counsel for the petitioner further submits that instead of going southward into the sea, the drainage channel is being made to go towards northward and this causes over flowing of the drainage channel. The learned



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counsel for the petitioner has further contended that a channel exists southwards which directly connects to the sea. However, the said channel remains blocked in view of the dumping of wastage by the nearby industry.

4. The learned Additional Government Pleader for the official respondents submits that there is a channel which is located in between the salt pan and Keezhamanakudi Road. In fact, this channel runs southwards and reaches the sea. In case, if this channel is cleared of all the debris, the entire issue between the petitioner and the private respondents could be resolved.

5. In view of the above said facts, the fourth respondent is directed to clear all the debris and wastage that have been dumped into the channel running between the Keezhamanakudi Road and the salt pan of the petitioner, so that, the drainage water directly enters into the sea. The free flow of water in the said channel would save the salt pan of the writ petitioner and solve the issue of the drainage of the fifth respondent also. The fourth respondent is directed to carry out the said work within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.09.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.3596 of 2013

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