



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 11.02.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.[MD]No.2800 of 2022**

M.Ganesan

... Petitioner

Vs.

- 1.The District Collector,  
Virudhunagar District.  
Virudhunagar.
- 2.The Assistant Director (Panchayat),  
Office of the District Collector,  
Virudhunagar District.
- 3.The Executive Officer,  
Thalavaipuram Panchayat,  
Thalavaipuram,  
Rajapalayam,  
Virudhunagar District.
- 4.The Block Development Officer,  
Rajapalayam,  
Virudhunagar District.
- 5.The Tahsildar,  
Rajapalayam,  
Virudhunagar District.
- 6.The Block Medical Officer,  
Government Primary Health Centre,  
Jamin Kollangkondan,  
Rajapalayam Taluk,  
Virudhunagar District.
- 7.The President,  
Thalavaipuram Panchayat,  
Thalavaipuram,  
Rajapalayam,  
Virudhunagar District.
- 8.The Block Health Supervisor,  
Government Primary Health Centre,  
Jamin Kollangkondan,  
Rajapalayam Taluk,  
Virudhunagar District.

9.Meenammal

... Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to act upon the proceedings of the eighth respondent dated 14.12.2017 and also direct the fourth respondent to act upon the proceedings of the second respondent in Na.Ka.E7/2894/2021 dated 23.12.2021 and also to consider and pass orders on the petitioner's representation dated 01.12.2021 within the period that may be stipulated by this Court.

|                             |                                                          |
|-----------------------------|----------------------------------------------------------|
| For Petitioner              | : Mr.M.Jerin Mathew                                      |
| For Respondents 1,2,5,6 & 8 | : Mr.T.Amjad Khan<br>Government Advocate                 |
| For Respondents 3, 4 & 7    | : Mr.S.R.A.Ramachandran<br>Additional Government Pleader |

### **O R D E R**

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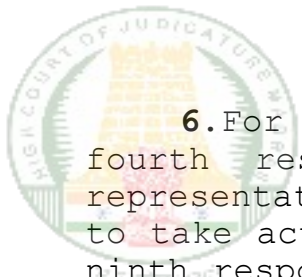
This writ petition has been filed for a Mandamus seeking for a direction to the third and fourth respondents to consider the petitioner's representation dated 01.12.2021 seeking to take action against the ninth respondent.

2.According to the petitioner, the ninth respondent from her house has been letting the drainage water in the open without constructing a proper pipeline and the petitioner being his neighbour is affected by the same. In such circumstances, the petitioner has given a representation dated 01.12.2021 to the official respondents calling upon them to take action against the ninth respondent. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Mr.M.Jerin Mathew, learned Counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of respondents 1, 2, 5, 6 & 8 and Mr.S.R.A.Ramachandran, learned Additional Government Pleader who accepts notice on behalf of respondents 3, 4 and 7.

4.No prejudice would be caused to the official respondents if the representation of the petitioner dated 01.12.2021 is considered on merits and in accordance with law after affording a fair opportunity of hearing the petitioner as well as the ninth respondent.

5.It is the case of the petitioner that he is a neighbour of the ninth respondent and that the ninth respondent has been letting the drainage water from her house in the open and she has not constructed a proper pipeline for the same causing nuisance to the petitioner. This has to be examined by the official respondents.



6. For the foregoing reasons, this Court directs the third and fourth respondents to pass final orders on the petitioner's representation dated 01.12.2021 requesting the official respondents to take action against the ninth respondent as according to him the ninth respondent who is his neighbour has been letting the drainage water from her house in the open and she has not constructed a proper pipeline for the said purpose which is causing nuisance to him within a period of twelve [12] weeks from the date of receipt of a copy of this order after affording a fair opportunity of hearing to the petitioner and the ninth respondent.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

**NOTE:** *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,  
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Virudhunagar.
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Office of the District Collector,  
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3. The Executive Officer,  
Thalavaipuram Panchayat,  
Thalavaipuram,  
Rajapalayam, Virudhunagar District.
4. The Block Development Officer,  
Rajapalayam,  
Virudhunagar District.



5.The Tahsildar,  
Rajapalayam,  
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6.The Block Medical Officer,  
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Government Primary Health Centre,  
Jamin Kollangkondan,  
Rajapalayam Taluk,  
Virudhunagar District.

+1 CC to M/s.SPL GP ( SR-5972[F] dated 14/02/2022 )

+1 CC to M/s.M.JERIN MATHEW, Advocate ( SR-5627[F] dated 11/02/2022 )

**ORDER MADE IN**  
**W.P.[MD]No.2800 of 2022**

**11.02.2022**

SS/24.02.2022:4P/11C