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W.P.No.10088 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10088 of 2023

S.Suresh

...Petitioner

Vs.

1.The District Collector,
District Collector Office, Salem.

2.The Thasildar,
Salem South, Salem.

3.The Block Development Officer,
Veerapandi,
Salem District.

4.The President,
Inam Biroji Panchayat,
Inam Biroji, Salem District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from laying road over the odai existing in at SF.No.20/2, 21, 22 and 9/1 of Nallayirampatti Village at Salem District by considering the representation of the petitioner dated 15.02.2023.



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For Petitioner : Mr.R.Nalliyappan
For R1 & R2 : Mr.R.Kumaravel
Additional Government Pleader
For R1 & R2 : Mr.S.Balamurugan
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to forbear the respondents from laying road over the odai existing in at SF.No.20/2, 21, 22 and 9/1 of Nallayirampatti Village at Salem District by considering the representation of the petitioner dated 15.02.2023.

2. The grievances of the petitioner is that he is owning a agricultural lands in S.F.No.20/3, 20/1A at Nallayirampatti Village, Salem District. As per the Revenue Records, the water channel existing in that location was classified as 'Odai' and the said channel is the only source to link the water from Kanjamalai to Thirumanimuthar River. During the rainy season, water from the said channel reaches Thirumanimuthar River. The petitioner states that the 4th respondent Panchayat is taking steps to convert the said water channel into Panchayat Road by altering the width and height of the odai by dumping mud.



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3. Such grievances raised based on certain apprehension cannot be entertained by the Courts. If at all any inconvenience arises, the aggrieved citizen is at liberty to approach the competent authority and the District Collector for redressal of grievances. Contrarily, the Court cannot forbear the respondents from implementing certain welfare schemes in a routine manner. More over, the writ petition has been filed merely based on certain apprehensions and the scheme is yet to be implemented.

4. This being the factum, the petitioner is at liberty to approach the authorities, setting aside his grievances. However, the High Court cannot direct the authorities to take a decision on such representations. Mere direction to dispose of the representation would do no service to the cause of justice. The litigant will be back again to the Court and thus, this Court is of an opinion that the petitioner has not made out any cause for the purpose of issuing a Writ of Mandamus.



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5. Accordingly, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order
Neutral Citation: Yes

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To

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S.M.SUBRAMANIAM, J.

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