



WEB COPY



WP.No.25751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.25751 of 2022

Danapalan

... Petitioner

Vs

1. The District Collector,
Salem District, Salem.
2. The Block Development Officer,
Veerapandi Block, Salem District.
3. The President cum Executive officer,
S.Paparapatti Village, Panchayat, Salem District. ... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the drainage construction in the petitioner's patta land comprised in old survey No.9/1, new Survey No.103/3 situated at S.Paparapatti Village, Salem District in pursuance of petitioner's representation dated 05.09.2022.

For Petitioner : No appearance

For Respondents : Mrs.R.Anitha
Special Government Pleader – R1
Mr.C.Jayaprakash – R2 & R3



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ORDER

This Writ Petition has been filed to direct the respondents to remove the drainage construction in the petitioner's patta land comprised in old survey No.9/1, new Survey No.103/3 situated at S.Paparapatti Village, Salem District in pursuance of petitioner's representation dated 05.09.2022.

2. It is the case of the petitioner that the petitioner is the owner of property to an extent of 1171 ½ sq.ft. in new Survey No.103/3 situated at S.Paparapatti Village, Salem District. Patta has also issued in the name of the petitioner. When the matter stood thus, the second respondent has started drainage construction work in petitioner's patta land without giving prior notice to the petitioner. Further, the third respondent has also started digging the drainage canal in his land despite there was an alternative way to drainage construction. In this regard, the petitioner has given a representation to the second respondent on 05.09.2022. However, the same has not been considered by the respondents. Hence, the present Writ Petition has been filed for the aforesaid relief.

3. Mr.C.Jayaprakash, the learned counsel appearing for the second



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and third respondents, on instructions, submitted that the drainage scheme has been completed in the village at the cost of Rs.7 lakhs and while digging for drainage work, some small damage as occurred and the same has been set right. Now the petitioner has given an application to the Tahsildar to survey the land and the same is pending and they will take action to survey the land.

4. In such view of the matter, as the drainage work has already been completed, no further direction is required in this Writ Petition.

5. Recording the submissions of the learned counsel appearing for the second and third respondents, this Writ Petition is closed. No costs.

02.01.2023

vrc

To



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N.SATHISH KUMAR, J.

VTC

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