



WEB COPY



W.P.No.27170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27170 of 2023

Kulandhasamy

...Petitioner

Vs.

1. The District Collector,
Erode District.
2. The Block Development Officer,
Thalavadi Block Development Office,
Thalavadi, Erode District.
3. The Panchayat President,
Hasanur Panchayat,
Thalavadi Taluk,
Erode District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from constructing the outlet on the South-West side of pond situated at Survey No.37, Hasanur Village, Thalavadi Taluk, Erode District and further direct them to construct



W.P.No.27170 of 2023

the outlet on the West or North side of pond and thereby enable that not to cause any damage to the petitioner's agriculture lands situated in Survey Nos.35 and 39 in the same village.

For Petitioner : Ms.D.Sathya
for Mr.M.Vijaya Ragavan

For Respondents : Mr.N.Naveen Kumar for R1
Government Advocate

Mr.S.P.Karthik for R2 & R3
Government Advocate

ORDER

The petitioner herein seeks Writ of Mandamus, forbearing the respondents from constructing outlet on the South-West side of the pond situated at Survey No.37, Hasanur Village, Thalavadi Taluk, Erode District and further direct them to construct the outlet on the West or North Side of Pond.

2. It is the case of the petitioner that he is owning the agricultural lands on the South side of the pond. The respondents decided to construct an outlet to the pond in Survey No.37 on the South-Western portion to enable the



W.P.No.27170 of 2023

surplus water to drain during the rainy season. The petitioner submitted a representation to the respondents objecting the same on the ground that if the outlet is constructed on the South-Western portion the agricultural land of the petitioner will get inundated during rainy season. Pursuant to the representation submitted by the petitioner, the second respondent directed the third respondent to survey the land and submit a report.

3. Mr.N.Naveenkumar, learned Government Advocate takes notice for the first respondent and Mr.S.P.Karthik, learned Government Advocate takes notice for the respondents 2 & 3.

4. The learned Government Advocate appearing for the second respondent submitted that based on the objections made by the petitioner, the construction of outlet on South-Western portion of the pond is put on hold. The outlet will be constructed in a suitable place belonging to the Government land without affecting the agricultural lands of the petitioner. The learned Government Advocate also produced a written instructions of the second respondent in this regard. The said statement made by the learned counsel for the second respondent is recorded.



W.P.No.27170 of 2023

5. In the light of the stand taken by the second respondent, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the second respondent to consider the representation of the petitioner dated 26.07.2023 and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

14.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



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W.P.No.27170 of 2023

S.SOUNTHAR, J.
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W.P No.27170 of 2023

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