



WEB COPY



W.P. No. 29421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29421 of 2023

and

W.M.P. No. 29421 of 2023

B.Dhanasekaran

... Petitioner

-VS-

1. The District Collector,
Office of the District Collectorate,
Trichengode Road, Namakkal District.
2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
3. The Block Development Officer,
Valavanthicombai,
Senthamangalam Taluk,
Namakkal District.
4. The Village Panchayat President,
Valavanthicombai,
Senthamangalam Taluk,
Namakkal District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from constructing concrete field drainage channel on the northern side of Vendangi-Valakadu Road towards the Petitioner's land comprised in S. No. 171/1A situated in Valavanthicombai Village, Sendamangalam Taluk, Namakkal District, in order to drain agricultural field drainage and household wastes, by considering the Petitioner's representation dated 27.09.2023.



WEB COPY



W.P. No. 29421 of 2023

For Petitioner : Mr. S.Senthil
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 & R2)
Mr. S.Balamurugan (for R3 & R4)

ORDER

Heard Mr. S.Senthil, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the First and Second Respondents and Mr. S.Balamurugan, who takes notice for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to restrain the Respondents from constructing concrete field drainage channel on the northern side of Vendangi-Valakadu Road towards the Petitioner's land comprised in S. No. 171/1A situated in Valavanthiombai Village, Sendamangalam Taluk, Namakkal District, in order to drain agricultural field drainage and household wastes, by considering the representation dated 27.09.2023 made by the Petitioner.

3. In response, Learned Additional Government Pleader appearing for the First and Second Respondents filed a Memo dated 12.10.2023, which reads as



W.P. No. 29421 of 2023

follows:-

WEB COPY

“2. It is submitted that, as per the 15th Central Finance Commission Grant Scheme, the drainage channel from Vedangi Annadurai's house to Subramanian's house, is being constructed by the Valavanthiombai Village Panchayat at the cost of Rs. 4,74,871/- granted by the above said scheme.

3. It is humbly submitted before this Hon'ble Court that, the already existing drainage channel in the above said place is under damage. Hence, leading to the construction of the new drainage channel. As of now 70% of the above said works has been completed and the remaining works will be completed on or before 15.11.2023. Meanwhile, the outgoing waste water from 3 nearby houses of the newly constructing drainage channel is released into 3 different individual soak pits and also a vertical soak pit is planned to be constructed at the ends of the newly constructed drainage channel.

4. It is submitted that, there are only 10 house near the newly constructing drainage channel and the depth of the drainage



W.P. No. 29421 of 2023

WEB COPY

channel constructed is 4m, hence there will not be any overflow in the newly constructing drainage channel and there by it will not cause any damage to the nearly agricultural lands.

5. Hence it is also submitted that once the construction of new drainage channel gets over, the outgoing waste water and drainage water from the nearby houses will not enter and hence will not cause any damage to the Petitioner's agricultural land."

In view of the aforesaid action taken by the First and Second Respondents, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any further grievance, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.10.2023

kv
Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 31.10.2023.



W.P. No. 29421 of 2023

To

1. The District Collector,
Office of the District Collectorate,
Trichengode Road, Namakkal District.
2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.
3. The Block Development Officer,
Valavanthicombai,
Senthamangalam Taluk,
Namakkal District.
4. The Village Panchayat President,
Valavanthicombai,
Senthamangalam Taluk,
Namakkal District.



WEB COPY



W.P. No. 29421 of 2023

P.D. AUDIKESAVALU, J.

kv

W.P. No. 29421 of 2023

12.10.2023