



W.P(MD)No.24710 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24710 of 2023

and

W.M.P.(MD)No.20893 of 2023

Veerappa Gounder

... Petitioner

Vs.

1.The Superintending Engineer,
Amaravathi Basin Division,
Sivagiripatti, Palani,
Dindigul District.

2.The Executive Engineer,
PWD/WRD, Nanganjiyar Basin Division,
Palani, Dindigul District.

3.The Assistant Engineer,
PWD/WRD,
Kuthirayar Dam Section,
Palani, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to recognize the pipe-lines laid under the earth in Ayyar Canal by granting permission passing from Survey No.15/2 to Survey No.14/7, 14/8, 16/1, 16/2, 16/3 and 16/4 at North Sangaramanallur Village, Madathukulam Taluk, Tiruppur District.



For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.V.Nirmalkumar
Government Advocate

ORDER

Heard both sides.

2. The petitioner wants this Court to direct the respondents to recognise the petition mentioned pipelines. I fail to understand as to what is meant by the term “recognize” in this case. Admittedly, the petitioner did not obtain prior permission before laying the pipeline. More than anything else, when the petitioner seeks issuance of writ of mandamus, he must have submitted prior representation before the respondents.

3. In this case, the learned Government Advocate categorically asserts on instructions that the second respondent has not received any representation or application from the petitioner. No proof has been enclosed in the typed set of papers. A writ of mandamus cannot be filed without enclosing the proof that the petitioner had already submitted representation before the authority concerned. Elementary requirement for filing a writ of mandamus is not fulfilled in this case. I make it clear that I have not gone into the merits of the matter. Liberty is given to the petitioner to move this Court again after filing proper representation before the concerned authority.



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4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2023

Index : Yes / No

Internet : Yes/ No

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To

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G.R.SWAMINATHAN, J.

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