



W.P(MD)No.24915 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24915 of 2023

and

W.M.P(MD)No.21086 of 2023

Shanmugavel

... 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, directing the respondents to recognize the pipe-lines said under the earth in Ayyar



W.P(MD)No.24915 of 2023

canal by granting permission passing from survey No. 32/2 to Survey No. 19/1, 20/2 at North Sangaramanallur Village, Madathukulam Taluk, Tiruppur District.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

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 Additional Government Pleader categorically asserts on instructions that the second respondent has not



W.P(MD)No.24915 of 2023

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.

4. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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

3/4



WEB COPY



W.P(MD)No.24915 of 2023

G.R.SWAMINATHAN, J.

MGA

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

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

W.P(MD)No.24915 of 2023
and
W.M.P(MD)No.21086 of 2023

16.10.2023