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W.P.No.1867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.1867 of 2024
and W.M.P.No.1942 of 2024

K.Rengaraj

.. Petitioner

VS

1.The District Collector,
Perambalur District,
Perambalur.

2.The Tahsildhar
Alathur Taluk,
Perambalur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider representation dated 13.12.2023 of the petitioner and ensure the water in the well situated at S.No.355/12, Padalur Village, Alathur Taluk, Perambalur District is protected without any contamination.

For Petitioner : Mr.J.Deliban

For Respondents : Mr.M.R.Gokulakrishnan
Additional Government Pleader



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ORDER

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The petitioner is a Potter. He states that the members of the potters community had been assigned lands in various survey numbers 355/13, 355/14, 355/22, 355/23, 355/24, 355/25 & 355/26 (lands in question) manufacturing in Padalur Village, Alathur Taluk, Perambalur District for the purpose of pottery and as a measure of protection and preservation of that profession.

2. He would claim that such assignment had been made more than 50 years ago and over the years, the community has been drawing water from a well situated in Survey No.355/12 which, he states, is the only natural source of water available in the vicinity. The well is situated adjacent to the lands in question.

3. While so, certain individuals had laid claim to the lands in question between the period 91 to 96 and based on the enquiries conducted, the lands in question had come to be classified as Government Natham. This classification, according to him, supports his stand that the lands are to be used only by the Kulalar / Kuyavar community for manufacturing pots.

4. The appeal filed by the individuals as against the rejection of their representation claiming ownership of the lands in question was also dismissed on 03.10.2001 and that order has



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attained finality.

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5. In 2002, the Executive Officer of the Village Panchayat had identified the properties in Survey Nos. 355/25 and 355/26 for the purpose of construction of public toilets. A question that would arise is why the petitioner and others of his community have remained inactive till date when the public toilet was constructed as early as in 2002.

6. The explanation tendered is that though the toilets were constructed in 2002, they remained unused till 2022 when the Executive Officer had initiated steps to put them to use. Hence the petitioner prays for a mandamus directing the respondents to consider his representation to ensure that the toilets are removed and the water in the well is protected without contamination for use in the manufacture of pottery.

7. To be noted that W.P.No. 33895 of 2023 has been filed by the Tamil Nadu Pottery Workers (Kulalar) Association espousing the same cause of action as the present petitioner. That writ petition had been disposed on 01.12.2023 directing enquiry into the representation filed by that association.

8. On 31.01.2024, the parties was asked to obtain written instructions to ascertain the status of the enquiry that was ordered in that writ petition. Today, both Mr.J.Deliban, for the petitioner and



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Mr.M.R.Gokulakrishnan, learned Additional Government Pleader, for the respondents would concur on the position that the enquiry has been well commenced and is on-going. In fact, a hearing took place yesterday i.e., 05.02.2024 and the parties have been asked to produce certain documents for which purpose, the matter is re-fixed after 10 days.

9. Learned counsel for the petitioner expresses confidence that the matter would proceed in accordance with law and says that he will be satisfied with the fixation of a time frame for consideration of his representation.

10. Hence, a time frame of six weeks from today is fixed for disposal of the representation filed by the Association as well as by this petitioner, after ensuring that all necessary parties are heard and relevant details / documents are taken into consideration.

11. The time frame fixed for disposal of representation dated 20.11.2023 under order dated 01.12.2023 (in W.P.No.33895 of 2023) is four weeks which has long expired. The respondents are seen to be in contempt of that order. However, seeing as the petitioner has also filed a representation no action for the contempt is taken at this juncture. The respondents will ensure that they give due credence to the timelines fixed under this order and follow the same scrupulously.



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12. This writ petition stands disposed in terms of this order.

No costs. Connected miscellaneous petition is closed.

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Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The District Collector,
Perambalur District,
Perambalur.

2.The Tahsildhar
Alathur Taluk,
Perambalur.



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DR. ANITA SUMANTH,J.

ssm

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