



W.P.No.5551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5551 of 2024

1.A.K.Sivasubramanian

2.P.N.Murugan

3.M.Prabaharan

... Petitioners

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector
Erode District.

3.The Director
Rural Development and
Panchayat Raj Department,
Koyembedu,
Chennai – 600 107.

4.The Assistant Director
Town and Country Planning Department
Chennimalai Road,
Erode – 638 009.

5.The Tahsildar,
Bhavani – 638 301.



W.P.No.5551 of 2024

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6.The Block Development Officer
Bhavani – 638 301.

7.The President
Kavindapadi Panchayat
Bhavani Taluk
Erode District.

8.Kulandaivel
9.S.E.Karthikeyan
10.M.Vasu

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 7 to ensure that to construct concrete ditch to carry the drainage water separately without obstructing the free flow of seepage water of LBP runs on the side of the road in R.S.Nos.810, 811, 812 and 213 situated at Kavindapadi Village, Bhavani Taluk, Erode District before granting final approval to the housing layouts in R.S.No.809/3 by considering the petitioners representation dated 11.08.2023 within a stipulated time as fixed by this Hon'ble Court.

For Petitioners : Mr.V.Anandhamurthy
For Respondents : Mr.LSM.Hasan Fizal for R1 to R7
Additional Government Pleader
M/s.R.Anupriya for R8 to R10

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 7 to ensure that to



W.P.No.5551 of 2024

construct concrete ditch to carry the drainage water separately without obstructing the free flow of seepage water of LBP runs on the side of the road in R.S.Nos.810, 811, 812 and 213 situated at Kavindapadi Village, Bhavani Taluk, Erode District before granting final approval to the housing layouts in R.S.No.809/3 by considering the petitioners representation dated 11.08.2023 within a stipulated time frame.

2.The case of the petitioners is that the petitioners are the owners of the lands in R.S.Nos.809, 791/2 and 215/1 respectively and the said lands are Ayacut lands of Lower Bhavani Project and they are receiving water for irrigation through the said project. The respondents 8 to 10 are the owners of the land in R.S.No.809/3 and they have formed a housing layout and have applied for planning approval to the fourth respondent. The panchayat road runs through R.S.Nos.810, 811, 812 and 213 and on the side of the road, there is a ditch in which the rain water and seepage water generated from the LBP canal flows and the same runs through the petitioners lands. The grievance of the petitioners is that if the proposed house site is developed without any provision for treatment of sullage water from residential houses, the said drainage water will mix with the seepage



W.P.No.5551 of 2024

water and it will spoil the petitioners lands. Hence, they made representation to the respondents suggesting construction of concrete ditch to prevent the intrusion of sullage water into their fertile lands and since the same has not been considered has filed this writ petition.

3.The learned counsel appearing for the petitioners submitted that it would suffice, if this Court issue direction to the respondents 4 and 6 to consider the petitioners representation dated 11.08.2023 and to pass appropriate orders.

4.Considering the limited request now made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the respondents 4 and 6 to consider the petitioners representation dated 11.08.2023 and to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5.The writ petition is accordingly disposed of. No costs.

22.10.2024

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W.P.No.5551 of 2024

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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W.P.No.5551 of 2024

M.DHANDAPANI,J.
pri

W.P.No.5551 of 2024



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W.P.No.5551 of 2024

22.10.2024