



W.P.No.9018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9018 of 2024

Siva Kumar

...Petitioner

Vs

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Deputy Collector, (Development)
District Rural Development Agency,
Dharmapuri District, Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri
4. The Block Development Officer,
Nallampalli Block, Nallampalli,
Dharmapuri.
5. The Engineer, (Rural Development)
District Rural Development Agency,
Dharmapuri District
Dharmapuri
6. The Panchayat President,
Aythiyamankottai Panchayat,
Aythiyamankottai, Dharmapuri District



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7. The Panchayat Secretary,
Aythiyamankottai Panchayat,
Aythiyamankottai,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 to construct of new open drain sewage in the Athiyamankottai Village near to the A/m Kaliyamman Kovil Temple and pass orders.

For Petitioner	: Mr.R. Venkatesan
For Respondents, 1,2,3 and 5	: Mr.M. Shahjahan, Special Government Pleader
For Respondents 4 and 6	Mr.V. Ramesh, Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking a direction to forbear the respondents 1 and 2 in constructing a new open drain sewage in the Athiyamankottai Village near to the A/m Kaliyamman Kovil Temple.



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3. The facts of the case is that the Panchayat Administration had constructed sewage drain through the land of A/m Kaliyamman Kovil and the same was not completed, due to which the car festival of the said temple was greatly affected. The further case of the petitioner is that the first respondent had passed an order in Na.Ka.No.4311/2023/ARI dated 14.09.2023 wherein they have approved the construction of drainage. Hence, the petitioner has given a representation to the first and second respondents on 26.02.2024 but the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that the petitioner has given a representation to the first and second respondents regarding the construction of new open drain sewage in the Athiyamankottai Village near A/m Kaliyamman Kovil Temple, but they have not taken any action. Hence this petition.

5. The learned Special Government Pleader appearing for the respondents submits that they will consider the case of the petitioner and take action in the manner known to law.



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6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, direct the first respondent to consider the petitioner's representation dated 26.02.2024 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the concerned parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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