



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.10464 of 2020

and

W.M.P. No.12719 of 2020

Gopal Reddy S/o. Gummi Reddy

... Petitioner

Vs.

1. The District Collector, Krishnagiri
2. The Revenue Divisional Officer, Hosur
3. The Block Development Officer,
Kelamangalam, Krishnagiri.
4. The Tahsildar, Denkanikottai, Krishnagiri.
5. The President,
Bairamangalam Panchayat,
Kelamangalam Union, Krishnagiri.
6. Narayana Reddy S/o. Late Basava Reddy

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records on the file



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of 5th respondent in Proceedings Na.Ka 1/2020 (Uu) dated 30.05.2020 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents 1 to 5 to take action against the 6th respondent.

For Petitioner : Mrs. R. Poornima

For Respondents : Mr. P. Balathandayutham,
Special Government Pleader
[for R1 to R4]

Mr. V. Rajinikanth [for R5]

Mr. N. Balamuralikrishnan [for R6]

ORDER

The notice issued by the President, Bairamangalam Panchayat dated 30.05.2020 is sought to be quashed in the present Writ proceedings.

2. The petitioner states that he is the native of Akkondapalli Village and he owns land in the village and carrying out agricultural activities. The agricultural land situated in Survey No.775/1A & 775/2B measuring 2.5 acres. The land situated in Akkondapalli to M. Agraharam Road. The said road is utilised by the village people to reach Kellamangalam, Hosur. The students from M.Agraharam village and the people are also using the road to



reach Akkondapalli, Kellamangalam, Hosur. The 6th respondent Mr.

Narayana Reddy also owns agricultural land in Survey No.771/A5 on the road side in Akkondapalli and M. Agraharam. The petitioner states that without obtaining any permission from the competent authorities under the relevant provisions of the Town and Country Planning Act, a construction was put up in his agricultural land and the 6th respondent completed 5 buildings and let out the building for the occupation of 80 tenants. Some of the tenants are bachelors and few tenants are staying with their family. There is no proper drainage connection or septic tank facility available in the building. Therefore, the 6th respondent is allowing the drainage water to flow on the streets, which is causing health hazards to the people of that locality and the road users. The petitioner has taken some steps to prevent such drainage water from flowing on the streets, which resulted in issuance of notice impugned. The learned counsel for the petitioner would further submit that the drainage water are flowing inside the agricultural lands and causing damage to the crops. The President, Bairamangalam Panchayat instead of initiating appropriate action against the offenders, issued notice to the Writ petitioner. Thus, the present Writ petition has been filed.



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3. The learned counsel for the 6th respondent opposed the contentions raised by the petitioner. The unsubstantiated contentions of the petitioner cannot be considered and the 6th respondent obtained the Building Plan approval. The drainage facilities are already available and the petitioner is blocking the drainage, which resulted in flowing of drainage water on the streets, resulting issuance of notice, which is impugned in the present Writ proceedings. The President has already initiated action to construct proper drainage in that locality. Notice was also issued both to the petitioner and the 6th respondent.

4. The learned Government Pleader submitted a letter of the Block Development Officer along with the photographs, which would reveal that the drainage water is flowing on the streets, which would undoubtedly caused health hazards to the road users and the people living in that locality. On seeing the photographs, one can understand that the road users cannot use the road in a peaceful manner. They have to pass through the drainage water and that being the situation prevails, actions are to be initiated for diverting the water safely without causing any injury to the persons or properties.



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5. The Block Development Officer though submitted a report, has not initiated appropriate action to prevent the flow of drainage water on the streets. Thus, the District Collector, Krishnagiri has to ascertain the situation and to initiate all appropriate action to prevent the flow of drainage water on the streets in order to provide free access to the road users and to protect the people of that locality.

6. In view of the facts and circumstances, the respondents 1 to 3 are directed to inspect the property within a period of **2 (two)** weeks from the date of receipt of copy of this order and to initiate all appropriate actions to prevent the flow of drainage water on the streets and further prosecute the persons who have committed such offences causing health hazards in that locality.

7. All appropriate and necessary actions are directed to be initiated to setrate the allegations set out by the parties within a period of **12 (twelve)** weeks from the date of receipt of copy of this order.



8. With these directions, this Writ petition stands disposed of. No order as to costs. Connected miscellaneous petition is closed.

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
mjs

To

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3. The Block Development Officer,
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4. The Tahsildar, Denkanikottai, Krishnagiri.
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S.M.SUBRAMANIAM, J.

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