



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.31820 of 2024

P.Raj Mohan

.. Petitioner

Vs.

1.The District Collector,
Ariyalur.

2.The Tahsildar,
Sendurai Taluk,
Ariyalur District.

3.The Executive Engineer,
Public Works Department,
Maruthaiyaru Vadi Nilai Kottam,
Ariyalur District.

4.The Rural Development Officer,
Town Panchayat office,
Sendurai,
Ariyalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent herein to consider the petitioner's representation dated 12.09.2024 within a stipulated period.



2

For Petitioner

.. Mr.R.Gokulakrishnan

For R1 to R3

.. Mr.V.Nanmaran,
Additional Government Pleader.,
Government Advocate.

For R4

.. Mr.R.V.Dinesh Raj Kumar,
Additional Government Pleader.

ORDER

This writ petition has been filed in the nature of Mandamas seeking a direction against the 4th respondent / the Rural Development Officer, Town Panchayat Office, Sendurai, Ariyalur District, to consider the representation given by the petitioner dated 12.09.2024 within a stipulated period.

2.Even before proceeding further, let me make it very clear that, in view of the facts stated, a time lime can never be fixed for consideration of the representation of the petitioner herein. That is so because, the petitioner originally had laid water pipeline since he is the owner of five acres of agriculture land in 34/3A2 and additional agrarian land in S.No.31/1A in Sendurai Taluk, Cholan Kudi Kadu, Ariyalur District. It is stated that the said pipe line was laid on the water body.



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3.A Public Interest Litigation had been filed in *W.P.No.23167 of 2019, K.Kannady Vs. The District Collector, Ariyalur, Ariyalur District and two others*, in the nature of mandamus seeking a direction to remove encroachment in the water course poromboke in S.Nos.194 and 194/1 in Ariyalur. Reliance was placed on an earlier judgment of the Court dated 30.10.2015 in W.P.No.1294 of 2009. The Division Bench which examined the Public Interest Litigation had opined as follows:

“3.The learned State Government Pleader submits that the authority would conduct a survey within a period of three months and if any encroachment is found in the subject writ land, then steps would be undertaken in accordance with law expeditiously.

In view of the said statement, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.”

4.After that particular order was passed, it is complained by the writ petitioner that his pipe lines were broken not because the pipe line of the



petitioner was on the water body, but the neighbours' land was on the water body and the pipeline therein was removed and as a vengeance, the pipe line of the petitioner was broken. These are facts which can be examined only by the 4th respondent.

5.The learned Standing Counsel for the 4th respondent stated that consideration of the representation cannot be done within a stipulated period of time since, the 4th respondent will have to pass a resolution and take a decision whether the pipe line of the petitioner could be laid after digging the road and therefore, larger interests are involved. It is for that reason I had stated that it would not be able to give a time line for consideration of the representation.

6.But, at any rate, the 4th respondent may take it up as an agenda whenever they convene a meeting and consider the representation of the petitioner and take an appropriate decision. Let them take into consideration the fact that a public road cannot be broken for laying of a pipe line of one single individual and at the same time, balance that with the requirement of a pipeline for agriculture purpose of the petitioner herein.



7.It is also stated that the petitioner would bear the costs, if the 4th respondent comes to an affirmative decision. I leave that aspect to the discretion of the 4th respondent.

8.With the above observations, this Writ Petition stands disposed of.

No costs.

06.11.2024

Index: Yes/No

Internet: Yes/No

smv

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6

C.V.KARTHIKEYAN,J.

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