



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 7078 of 2025

AND

WMP NO. 7816 OF 2025

M.Soundirarajan

S/o. K.Mani, D. No. 4/202, M.G.R.

Nagar, Pallikadu Thottam,

Sanarpalayam, Kupbandapalayam- 638

183, Komarapalayam Taluk, Namakkal

District.

Petitioner(s)

Vs

1. The District Collector,
Collectorate, Erode- 638 011,
Erode District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Erode - 638 001, Erode District.

3.The Joint Director of Health Services
Government Head Quarters Hospital,
Erode - 638 009, Erode District.

4.The Perundurai Town Panchayat
Rep. by its Commissioner,
Perundurai- 638 052, Erode District.



5.MOKESH

S/o.Shanmugam, Perundurai, Erode
District.

Respondent(s)

PRAYER :Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents 1 to 4 to remove the public nuisance caused due to the closure of the drainage canal constructed in RS No.682/17, Perundruai village and Taluk, Erode District and to ensure hygienic condition therein by considering the petitioners representation dated 24.01.2025 and pass such further orders.

For petitioner : Mr.N.Manoharan

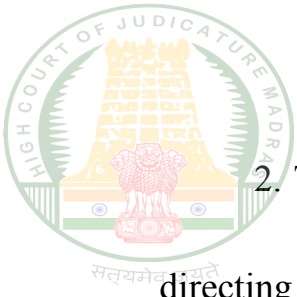
For R1, R2 : Mr.E.Veda Bagath Singh,
Special Government Pleader

For R3 : Mr.K.Tippusulthan,
Government Advocate

For R4 : Mr.R.Murthi,
Government Advocate

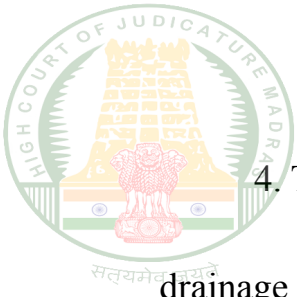
ORDER

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



2. This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the public nuisance caused due to the closure of the drainage canal constructed in RS No.682/17, Perundurai village and Taluk, Erode District and to ensure hygienic condition therein by considering the petitioners representation dated 24.01.2025.

3. The case of the petitioner is that he had purchased an extent of 15 cents in old S.F.No.865, R.S.No.682/17, Perundurai Village, Erode District by virtue of a sale deed dated 15.10.2012 (Doc.No.4440/2012). The Petitioner purchased an extent of 10 cents in the same S.F.No.865 (Doc. No. 3203/2016) under a sale deed dated 23.06.2016. After subdivision, the petitioner obtained Patta No.6299 for R.S.No.682/17-B and Patta No. 6300 for R.S.No.682/17C on 28.02.2023. In the above extent of 25 cents, the petitioner had constructed 50 rooms measuring 10' x 8' with hollow block walls and asbestos roofs and let them out to the workers who have migrated from North India. The excess seepage water from the adjoining agricultural lands and sewage from the residential houses started stagnating in the street.



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4. To facilitate the free flow of drainage water, the petitioner constructed a drainage canal on the southern side of his property, and the said drainage canal has been connected with the drainage canal constructed by the 4th respondent. The Petitioner had covered the drainage canal with cement slabs for safety purposes since on few occasions, the passerby fell into the open drainage canal.

5. The grievance of the petitioner is that, on 11.12.2024, at 11.00 a.m., the 5th respondent and his musclemen came to the property and started dumping the waste earth materials in and over the drainage canal with the help of a tipper lorry and started levelling the drainage area with the JCB, leading to blockage of the entire drainage and stagnation of water in and around the petitioner's row of houses, causing unhygienic conditions and public nuisance.

6. Learned counsel appearing for the petitioner submitted that the Petitioner gave a representation to respondents 1 to 4 and also to the SHO, Perundurai police station, on 11.12.2024. The 5th respondent and his associates were called for police enquiry, and after verifying the factual position, the police



advised them to restore the drainage canal to its original position, but the 5th

respondent has not complied. Thereafter, the petitioner submitted a representation to the 4th respondent dated 24.01.2025, and the acknowledgment of the same is also submitted before this Court. Due to inaction on the part of the respondents 1 to 4, the petitioner has come up with the present writ petition.

7. Learned Special Government Pleader appearing for respondents 1 and 2 would submit that the representation of the petitioner dated 24.01.2025 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

8. Heard both sides and perused the materials available on record.

9. Without going into the merits of the case, the 4th respondent is directed to consider the representation of the petitioner dated 24.01.2025 and to conduct a detailed enquiry after giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioner as well as the 5th respondent, to take into consideration all the relevant documents



submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, thereby following the above principles of natural justice within a period of six (6) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

28-02-2025

cda

Index : Yes/No

Speaking/Non Speaking order



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Erode District.

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