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Writ Petition No.39610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.39610 of 2024
and WMP Nos.42884 & 42885 of 2024**

1.P.Pappathi

2.S.Raguvathy

.... Petitioners

-Vs-

1.The District Collector
Collector's Office
Namakkal District.

2.The Assistant Director (Town Panchayat)
District Collector Office Namakkal
Namakkal District.

3.The Executive Officer
Town Panchayat, Pothanur
Namakkal District.

4.The Tahsildar
Paramathi Velur Circle
Namakkal District.

5.The Village Administrative Officer (VAO)
Pothanur Village, Pothanur, Vellore Circle
Namakkal District.



Writ Petition No.39610 of 2024

6.The Superintendent of Police
Office of the Superintendent of Police
Namakkal District.

7.P.Anandan

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 3rd respondent to consider petitioner objection/representation dated 18.12.2024 and pass an appropriate orders in compliance with the order made in WP.No.7220 of 2024 dated 22.03.2024.

For Petitioners : Mr.L.P.Shanmugasundaram

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader
for R1 to R6

No appearance for R7

ORDER

The writ petition came up earlier on 21.12.2024 on which date, the following order was passed:

The Writ Petition has been filed in the nature of Writ of Mandamus seeking a direction against the third respondent/ the Executive Officer, Town Panchayat, Pothanur, Namakkal District, to



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consider the objections / representation dated 18.12.2024 and pass orders in compliance with the order made in W.P.No. 7220 of 2024 dated 22.03.2024.

2. This Writ Petition would never have come up for consideration if only in W.P.No. 7220 of 2024 filed by the seventh respondent herein, the petitioners were made respondents. That Writ Petition in W.P.No. 7220 of 2024 had been filed by the seventh respondent herein to consider a representation dated 08.04.2023 and take action to provide the water pipe line to his house at No. 501-A(7), Ward No.6, Vengamettu Street, Pothanur Post, Namakkal District.

3. A learned Single Judge of this Court while examining the nature of the relief sought had passed the following order:-

“2. The grievance ventilated by the Petitioner is that he had made a representation dated 08.04.2023 to the Third Respondent to provide the water supply to the house of the Petitioner in Door No 501-A (7), Ward No. - 6, Vengamettu Street, Pothanur Post, Namakkal District, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

(i) the concerned authority shall immediately examine the representation dated 08.04.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the



relief claimed;

(ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 working days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and

(v) the report of such compliance shall be filed by 30.06.2024 before the Registrar (Judicial) of the Court. In the result, the Writ Petition is disposed on the aforesaid terms. No costs. ”

4. In the aforementioned extract under Sub-clause (iii) of paragraph No.3, the learned Single Judge had directed that an enquiry shall be conducted giving opportunity of personal hearing to the writ petitioner therein / seventh respondent and all other persons concerned to explain their position in that regard.

5. The petitioners herein fall under the category of other persons, which are concerned with the laying of the pipe line. They are deeply concerned because the pipe line according to them is proposed to laid underground their patta land. It is contended that



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the seventh respondent herein had constructed house in agricultural land and if the pipe line is laid under the patta land of the petitioners, then their agricultural land would get damaged and destroyed.

6. It is under these circumstances that a representation had been given. Even the learned Single Judge had earlier directed that every person who will be affected/concerned should be heard and objections must be addressed. Therefore, there is an obligation on behalf of the respondents herein to examine the grievances and the sufferings which the petitioners would suffer owing to the pipeline being laid under their patta land. Thereafter, let a decision be taken. If there is an alternate route, the pipeline could be laid through the alternate route. The respondents may proceed further to hear the petitioners. However, the Writ Petition is kept pending.

7. Issue notice to the seventh respondent through Court and also privately returnable by 20.01.2025.

2An affidavit of service had been filed that private notice on R7 had been served. But, however there is no representation on behalf of R7. It is evident that R7 is deliberately avoiding appearance before the Court. A direction is given to the respondents to examine the grievances of the petitioners. If a pipeline is laid under their patta land and if there is an alternate route the pipeline



Writ Petition No.39610 of 2024

must be laid through the alternate route. A direction is given that the representation of the petitioners must be considered in the aforementioned manner.

3.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20.01.2025

Index : Yes/No
NCS : Yes/No
KP



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Writ Petition No.39610 of 2021

To

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Namakkal District.
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Writ Petition No.39610 of 2024

C.V.KARTHIKEYAN.,J
KP

Writ Petition No.39610 of 2024

20.01.2025