



W.P.(MD) No.24878 of 2023

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 16.12.2023

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.24878 of 2023

V.Sankar

... Petitioner

Vs

1. The District Collector
Theni District

2. The Tahsildhar
Andipatti Taluk
Theni District

3. The Block Development Officer
Andipatti Panchayat Union,
Theni District

4. The President
Thimmarasunaickanpatti Village Panchayat
Thimmarasunaickanpatti
Andipatti Taluk
Theni District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to stop opening the discharging the domestic and industrial untreated sewage water into the petitioner's agricultural land measuring about 1



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acre 48 cent comprised in S.No.2274/4 and 2 acre 9 cents comprised in S.NO.2226/3 situated in Thimmarasunayakanur Village, Andipatti Taluk, Madurai District by considering the representation dated 27.07.2023

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1 to R3	: Mr.V.Nirmal Kumar Government Advocate
For R4	: Mr.K. Balasubramani Special Government Pleader

ORDER

The prayer in the Writ Petition is to direct the first respondent to stop opening the discharging the domestic and industrial untreated sewage water into the petitioner's agricultural land measuring about 1 acre 48 cent comprised in S.No.2274/4 and 2 acre 9 cents comprised in S.No.2226/3 situated in Thimmarasunayakanur Village, Andipatti Taluk, Madurai District by considering the representation dated 27.07.2023

2. It is the case of the petitioner that the petitioner is having land measuring about 1 acre 48 cent comprised in S.No.2274/4 and 2 acre 90 cent comprised in S.No.2226/3 situated in Thimmarasunayakanur



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Village, Andipatti Taluk, Madurai District and patta No. 6253 was also issued to him. From the well situated in the above said land water was drawn for the agricultural purpose and no underground drainage structure exist in the village. Thus the untreated sewage water collected from the residential area in Muthukrishnanpuram, T. Rajagopalanpatti Sitaramdas Nagar and adjacent extension area, Sakkampatti Muthumariamman Kovil area and part of the Andipatti town Panchayat area and from the business premises situated in Sipcot and surrounding area are collected, passed through the open rain and storm water channel existed along the road side which was connected to water channel situated adjacent to the Madurai-Theni main road and it lead just 50 meters before petitioner's agricultural land because thereafter no cement concrete water channel was constructed so far. The untreated sewage water collected from various places were brought just before petitioner land and let into the agricultural land including petitioner's land thus the land is not fit for agricultural purpose and which also contaminated the well water thus the petitioner was not able to use the land for his agricultural purpose Further, through agriculturalist association representation was submitted to the respondent in this regard. Subsequently, the soil and water was tested at Agricultural laboratory, Theni and results reveals the factum of



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contamination and it requires huge amount of labour and money to reclamation of components of soil and water to fit for agricultural, thereby the petitioner has sent a representation to the official respondents. Since the said representation was not considered till date, the petitioner has approached this Court.

3. The learned Counsel appearing for the respondents would submit that the representation of the petitioner dated 27.07.2023 would be considered in accordance with law.

4. In view of the same, without expressing any opinion on the merits of the matter, this Court directs the first respondent to consider the representation of the petitioner dated 27.07.2023 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, to see that the petitioner will get back his land and use the same for agricultural purposes. Since, due to the discharge of untreated water to the agricultural land, the fertility of the land got damaged, the respondents are directed to provide all the assistance to make the agricultural land as a fertile land.



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5. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

16.12.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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KRISHNAN RAMASAMY, J.

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