



W.P.(MD)No.28852 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.28852 of 2023

and

W.M.P.(MD)No.24896 of 2023

A.Paramsingh

: Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Joint Director (Town Planning),
Town Panchayats,
District Collector Office Complex,
Nagercoil.

3.The Executive Officer,
Kottaram Town Panchayat,
Kottaram, Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 2 and 3 from in anyway removing bore well hand



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pump and connecting motor to the Borewell situated at Ward No.2, (near the bridge), Atchankulam Village, Kottaram Town Panchayat, Kanyakumari District, based on the petitioner's representation dated 27.11.2023.

For Petitioner : Mr.R.Saravanakumar
for Mr.L.George Paul Anto
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

O R D E R

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed as a 'Public Interest Litigation' [hereinafter 'PIL' for the sake of brevity].

2.Factual matrix in a nutshell is, the PIL petitioner seeks a Mandamus *qua* respondents 2 and 3 from;

- a) removing a borewell hand pump;
- b) and connecting the motor to the borewell.

3.Mr.R.Saravanakumar, learned Counsel representing the Counsel on record for PIL petitioner who is before us submits that water from the borewell will be taken for other purposes [other than public purpose] and that can cause depletion of water resources.



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4.Issue notice.

5.Mr.M.Senthil Ayyanar, learned Government Advocate accepts notice for all the respondents.

6.Owing to the narrow compass of the captioned main writ petition, main writ petition itself is taken up with the consent of both sides.

7.On instructions, learned State Counsel [to be noted, learned State Counsel is instructed by Mr.R.Sasi Kumar, Clerk, Town Panchayat, Kottaram] makes the following submissions:

i) Installation of motor in the borewell is only for public good and the water will be used only for public purposes;

ii) A water tank will be put up close to the existing hand pump for such storage and distribution;

iii) A resolution in this regard has been made by the local body being Resolution No.195 dated 31.07.2023.

8.As the installation of the motor, laying of pipes is only for utilising the water from the borewell for public purpose and



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public distribution, we find no reason to interfere in the matter and we drop the curtains recording the aforementioned stated position of the respondents.

9.Captioned WP / PIL is disposed of as closed albeit recording the stated position of the respondents. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.,J.] & [R.S.V.,J.]

07.12.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
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