



WEB COPY



W.P.No.8758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

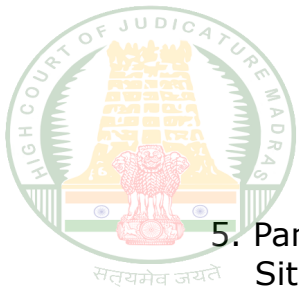
W.P.No.8758 of 2024

P.Periasamy
S/o.Periathambi,
2-33, Panankadu, Siththar Kovil Main Road,
Andipatti-Sowdapuram,
Salem-636 307.

Petitioner(s)

Vs

1. The District Collector
Collectorate, Salem-636 001.
2. The Tahsildar
Salem West Taluk Office,
Subramania Nagar,
Suramangalam,
Salem-636 302.
3. The Block Development Officer
Salem Union Office, S.Kollapatty,
Steel Plant Road, Salem-636 030.
4. The Executive Officer
Andipatti Village Panchayat Office,
Andipatti, Salem-636 307.



W.P.No.8758 of 2024

WEB COP

5. Panankadu Muniyappan Temple
Siththar Kovil Main Road,
Sowdapuram Village, Salem West Taluk,
Salem-636 307.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1-4 to demolish the overhead water tank situated at S.F.No.6/2A, Siththar Kovil Main Road, Sowdapuram Village, Salem West Taluk, Salem District belonging to the fifth respondent by considering the petitioner's representation dated 13.03.2024 in accordance with the law within a stipulated period.

For Petitioner(s): Mr.Balaji Thirumoorthy

For Respondent(s): Mr.Mohammed Fayaz Ali
Government Pleader
for R1 to R4

Mr.Arjun
for Mr. J.Prithivi
for R5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus to direct respondent Nos.1 to 4 to demolish the old, dilapidated overhead water tank situated at S.F.No.6/2A, Siththar Kovil Main Road, Sowdapuram Village, Salem West Taluk, belonging to the fifth



W.P.No.8758 of 2024

respondent temple, by considering the petitioner's representation dated 13.03.2024.

2. Learned counsel for the petitioner submits that the petitioner is an 80-year-old resident of Sowdapuram Village. Within the premises of the fifth respondent temple, there exists a 30-year-old overhead water tank with a capacity of 60,000 litres, built out of panchayat funds. The tank has remained unutilised since 2017 and is currently in a dilapidated condition with multiple cracks, posing an imminent threat to public safety and school vehicles passing along the adjacent main road. Despite representations made to the respondent authorities, no concrete step has been taken to demolish the structure.

3. Learned Government Pleader appearing for respondent Nos.1 to 4 submits that the respondent authorities have already conducted a field assessment and are fully prepared to demolish the dilapidated overhead water tank in the interest of public safety. However, a dispute has arisen concerning the construction of a new



W.P.No.8758 of 2024

water tank on the same premises and a suit in this regard is pending.

4. It is brought to the notice of this court that the Hereditary Trustee of the fifth respondent temple (Panankadu Muniyappan Temple) has already filed a civil suit in O.S.No.98 of 2023 before the competent Civil Court, to restrain the respondent authorities from constructing a new water tank within the temple premises.

5. Access to clean and sustainable drinking water is a fundamental aspect of the right to life. The installation and maintenance of a water tank serve a larger public interest, providing an indispensable amenity to the residents of Wards 1 and 2 of the Andipatti Panchayat. While individual or institutional property rights claimed by the temple administration deserve adjudication, they must be balanced against the collective welfare and safety of the local public.

6. Since the subject matter concerning the temple premises and the proposed civil works is already *sub judice* before a



W.P.No.8758 of 2024

competent Civil Court in O.S.No.98 of 2023, it would not be appropriate for this court to parallelly adjudicate upon the factual matrix or issue contradictory summary directions under Article 226 of the Constitution of India.

7. All the parties are in agreement regarding the demolition of the dilapidated tank to prevent any public hazard. Any further grievance regarding the site, ownership, or the construction of a replacement tank must be agitated in the pending civil proceedings.

8. In light of the facts and circumstances of the case, this Court passes the following order:

(i) The respondent authorities are directed to ensure that the demolition of the dilapidated structure is executed strictly in compliance with safety protocols so as to cause no injury to the public or the surrounding structures.

(ii) If the petitioner has any grievance with regard to new construction of the tank at the same site, it is for him to approach the competent Civil Court where the



W.P.No.8758 of 2024

WEB COPY

suit in O.S.No.98 of 2023 filed by the hereditary trustee of the fifth respondent/temple is currently pending.

In the result, the writ petition is disposed of with the aforesaid directions. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
03.07.2026

Index : Yes/No

Neutral Citation : Yes/No

sasi

To:

1. The District Collector
Collectorate, Salem-636 001.
2. The Tahsildar
Salem West Taluk Office,
Subramania Nagar,
Suramangalam,
Salem-636 302.
3. The Block Development Officer
Salem Union Office, S.Kollapatty,
Steel Plant Road, Salem-636 030.
4. The Executive Officer
Andipatti Village Panchayat Office,
Andipatti, Salem-636 307.



WEB COPY



W.P.No.8758 of 2024

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

W.P.No.8758 of 2024

03.07.2026