



W.P(MD)No.21323 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21323 of 2018

and

W.M.P.(MD).Nos.19191 and 19192 of 2018

M.Kannan

... Petitioner

Vs

1.The District Collector cum President,
District Rural Development Agency,
Virudhunagar District.

2.The Block Development Officer,
Kariyapatti Panchayat Union,
Kariyapatti Taluk,
Virudhunagar District.

3.T.Jansi Rani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent made in Na.Ka.C.11/1681/2016 dated 10.09.2018 and quash the same.



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For Petitioner : Mr.C.Godwin
For R-1 : Mr.R.Ramasamy,
Counsel for State
For R-2 : Mr.M.Jeyakumar

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.C.11/1681/2016, dated 10.09.2018.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an agriculturist owning agricultural lands measuring 3.50 acres in Survey No.92/8B. The petitioner submitted an application seeking financial assistance for digging an open well under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). An objection was raised by one Arumugam on the ground that the proposed well would be situated within the prohibited distance of 100 metres from his existing well. After conducting an enquiry, the competent authority rejected the objection and granted permission to the petitioner by proceedings dated 27.12.2017.



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4. The learned counsel would further submit that subsequently, by the impugned proceedings dated 10.09.2018, the said permission was cancelled solely on the ground that the said Arumugam had filed W.P.(MD) No.1254 of 2018 before this Court. According to the petitioner, the cancellation was effected without conducting any survey or without ascertaining whether the proposed well was in fact situated within the prohibited distance of 100 metres from the objector's well. Aggrieved by the same, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the second respondent to conduct a survey of the petitioner's land and ascertain whether the proposed well is situated within the prohibited distance of 100 metres from the existing well of the objector. If it is found that the proposed well is beyond the prescribed distance, the first respondent may be directed to reconsider the petitioner's request and pass appropriate orders on the basis of the survey report.

6. The learned counsel for State appearing for the official respondent fairly submitted that the official respondent has no serious objection to such a course



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being adopted. He further submitted that the writ petition filed by the said Arumugam has subsequently been dismissed as withdrawn on 14.09.2020 by the said Arumugam and, therefore, there is no legal impediment for reconsidering the petitioner's request in accordance with law.

7. In view of the above submissions and without expressing any opinion on the merits of the claim, the impugned order dated 10.09.2018 is set aside. The second respondent is directed to conduct a survey, after issuing notice to the petitioner as well as the said Arumugam or any other interested parties, and ascertain whether the proposed well is situated within the prohibited distance of 100 metres from the existing well. Based on the survey report, if it is found that the proposed well is beyond the prohibited distance, the first respondent shall reconsider the petitioner's application for grant of permission under the Mahatma Gandhi National Rural Employment Guarantee Scheme and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the concerned parties, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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Consequently, the connected miscellaneous petitions are closed.

10.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To

- 1.The District Collector cum President,
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Virudhunagar District.
- 2.The Block Development Officer,
Kariyapatti Panchayat Union,
Kariyapatti Taluk,
Virudhunagar District.



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M.DHANDAPANI, J.

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