

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No. 17492 of 2015

Thirumalaisamy

... Petitioner

vs.

1. The District Collector
Tiruppur District, Tiruppur.
2. The Thasildar
Kangeyam.
3. Balamani
4. Muthukumaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 2nd respondents to take action against the 3rd and 4th respondents and consequently forbearing them from drawing water from the well situated in S.F. No.459, Veeranam Palayam Village, Kangeyam, Tiruppur District to sell the water in the market.

For Petitioner : Mr. C. Deivasigamani

For Respondents : Mr. S.T.S. Murthi
Government Pleader for R1 & R2

O R D E R

(Made by The Hon'ble The Chief Justice)

The grievance of the petitioner really is that he being the owner of the adjacent land, his neighbours/respondents 3 and 4 have a well in their land and water is being drawn for commercial purposes and

being sold. A finding has already been rendered by the Block Development Officer vide proceedings dated 13.04.2015, which is communicated to the fourth respondent. But, despite this, no remedial measures are stated to have been taken.

2. We do believe that this is not a public interest litigation. It is a dispute inter se the two neighbouring land owners. Thus, the appropriate relief for the petitioner would have been to seek enforcement of the order dated 13.04.2015, rather than giving it a colour of the public interest litigation.

3. Be that as it may, since that could be the only requirement for shifting the burden to the learned single Judge for hearing, we are of the view that the ends of justice can be met by directing the second respondent to take necessary action in pursuance to the finding of the Block Development Officer dated 13.04.2015, after notice to all concerned, within one month of the communication of the order.

4. The writ petition accordingly stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ATR

Copies to;

1. The District Collector
Tiruppur District, Tiruppur.
2. The Thasildar
Kangeyam.

+1cc to Mr.C.Deivasigamani, Advocate, S.R.No.30382
+1cc to the Government Pleader, S.R.No.30245

SKV(CO)
CA(26/06/2015)

W.P. No. 17492 of 2015