IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 9426 of 2009
and
M.P.No.1 of 2009

Veerapandian ... Petitioner

-Vs-

1. Union of India,
   Rep. By Chief Secretary,
   Puducherry.

2. The Secretary,
   Public Works Department,
   Secretariat, Puducherry.

3. The District Collector cum
   District Magistrate, Karaikal.

4. The Superintending Engineer,
   Public Works Department,
   Karaikal.

5. The Executive Engineer,
   Buildings and Roads Division,
   Public Works Department,
   Karaikal.

6. The Executive Officer,
   (Temples, Karaikal)
   Sri Dharbaranyeswaraswamy Vagaiyara
   Devasthanam, Thirunallar, Karaikal. ... Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 4th respondent in his proceedings No.61/PW/SE-III/JES/09-10 dated 29.04.2009 and quash the same and further direct

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respondents to maintain the total extent, depth and water percolation area of water tank (Thirukulam) of Arulmigu Nithya Kalyana Perumal temple, Karaikal situated in TS.No.184, Ward-F, Block No.12 in Karaikal Town in its original position.

For Petitioner : Mr.S.Sounthar

For Respondents : M/s.N.Mala,
Additional G.P. (Puducherry)

O R D E R

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

The challenge is laid to the manner in which the tank situated in TS.No.184, Ward-F, Block No.12 in Karaikal Town, was sought to be renovated alleging that the total extent, depth, water percolation area of the tank should remain the same.

2.No interim orders were granted and the work is stated to have been completed almost five years back.

3.Learned Additional Government Pleader appearing for the respondents has brought to our notice the counter-affidavit dated 08.09.2009, which was not filed but produced in Court today, to the effect that the renovation work of the temple tank was commenced as per the direction of the Government of Puducherry after necessary approval from the competent authority. The work as of silt removal is stated to have been followed by filling up of red soil into the tank bed, which is stated not to reduce the extent and depth of the tank or the percolation capacity.

3.Learned counsel for the petitioner, faced with this position, submits that all he prays for now is that in case in future any renovation is to be carried out, all necessary precautions should be taken, a point of view which is not opposed by the learned Additional Government Pleader for Puducherry.

4.We, thus, dispose of the writ petition taking the aforesaid statements on record. No costs. Consequently, M.P.No.1 of 2009 is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

1. The Chief Secretary,
   Union of India,
   Puducherry.

2. The Secretary,
   Public Works Department,
   Secretariat, Puducherry.

3. The District Collector cum
   District Magistrate, Karaikal.

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   Public Works Department,
   Karaikal.

6. The Executive Officer,
   (Temples, Karaikal)
   Sri Dharbaranyeswaraswamy Vagaiyara
   Devasthanam, Thirunallar, Karaikal.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.50987
+1cc to the Government Pleader(Pondicherry), S.R.No.51102

W.P.No.9426 of 2009

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