

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.2668 of 2011
and M.P.Nos.1 and 2 of 2011

R.Vetrivel

.. Petitioner

vs

- 1.The Tahsildar,
Arakkonam Taluk,
Arakkonam.
- 2.The Revenue Divisional Officer,
Ranipet, Vellore District.
- 3.The District Collector,
Vellore District, Sathuvachari,
Vellore.
- 4.The Engineer,
Public Works Department,
Kirubilpet, Arakkonam.
- 5.The Panchayat President,
Ichipudhur Panchayat,
Ichipudhur Village & Post,
Arakkonam Taluk, Vellore District.
- 6.The Block Development Officer,
Kaveripakkam Union,
Kaveripakkam, Vellore District.
- 7.The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam.

8.A.C.Rajagopal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct all the respondents to restore the massive public well as well as the pathway leading to the burial ground, in Ichipudhur Village.

For Petitioner .. Dr.G.Krishnamurthy

For Respondents .. Mr.S.T.S.Moorthy,
Govt. Pleader for RR1 to 7
.. No appearance for R-8

O R D E R

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

The grievance of the petitioner is two-fold - obstruction on the pathway to the burial ground and secondly, a public well being closed.

2.In the counter-affidavit, it has now been averred that there is no obstruction to the pathway to the burial ground, an aspect confirmed by the learned counsel for the petitioner. It is, however, his submission that though that arrangement is working satisfactorily at present, the same should be given a legal cloak.

3.In so far as the well is concerned, it is the say of the learned counsel for the petitioner that the same was made with panchayat funds, but has been closed.

4.As per the report submitted by the District Collector, the relevant portion is extracted as under:

'It is submitted that the land owner in whose land the well is located had closed it, as the same was abandoned by the Public Works Department and Village Panchayat. There is no record to show that the well is a public property. Alternative arrangements had already been made by the panchayat for water facility to the public in the village. The abandoned well cannot be used any further in the present situation. The villagers used to go to the graveyard through the patta land in S.No.533/1B. There is no encroachment by the 8th respondent in this regard, as it is his own

patta land, as alleged by the petitioner. However the land owner did not obstruct the funeral procession through his land even at present. However action has been taken to lay road in Government land in S.No.513/1A2 for the formation of link road to the graveyard of the village by village panchayat. The contention of the petitioner has no merit and deserves no consideration.

The petitioner's contention that the 8th respondent is interfering with the villagers in using the pathway to the burial ground is not correct, since the villagers used the patta land of the 8th respondent as pathway instead of going through the Government poramboke land. The villagers can use the Government land as link road for the purpose, and can represent to the concerned panchayat for laying the road. The petitioner cannot question the activities of the 8th respondent, in having closed the abandoned well dug in his patta land in S.No.533/1B and having erected stone pillars around his patta land a part of which was once used as pathway by the villagers to the burial ground. The village panchayat has now augmented the drinking water in the village by digging wells at suitable places. There is no drinking water problem in the village at present. The villagers can very well use the Government poramboke land in S.No.513/1A2 for the purpose of link road to the burial ground.'

5.In view of the aforesaid position, we are of the view that no further directions are called for.

6.Writ Petition is, accordingly, closed. No costs. Consequently, M.P.Nos.1 and 2 of 2011 also stand closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Tahsildar,
Arakkonam Taluk, Arakkonam.
 - 2.The Revenue Divisional Officer,
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 - 3.The District Collector,
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Vellore.
 - 4.The Engineer,
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Kirubilpet, Arakkonam.
 - 5.The Panchayat President,
Ichipudhur Panchayat,
Ichipudhur Village & Post,
Arakkonam Taluk, Vellore District.
 - 6.The Block Development Officer,
Kaveripakkam Union,
Kaveripakkam, Vellore District.
 - 7.The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam.
- + 1 cc to Mr.Dr.G. Krishnamoorthy, Advocate SR.26579
- + 1 cc Government Pleader Sr.26007

RV(CO)
EU 10.06.2015

सत्यमेव जयते

W.P.No.2668 of 2011

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