

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Writ Petition No.22313 of 2015 and
M.P.No.1 of 2015

M.Shanbaga Kani

.. Petitioner

vs.

The Director,
Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 600 015.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to stop digging the bore well in front of the petitioner's property measuring 33 cents bearing survey No.527/1A/1A/1B, situated at South Mavadi, Chengalakurichi Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.S.Bhuvaneshwaran

For Respondent : Mrs.M.E.Raniselvam,
Additional Government Pleader

ORDER

The petitioner contends that he is the owner of the property measuring 33 cents bearing survey No.527/1A/1A/1B, situated at South Mavadi, Chengalakurichi Village, Nanguneri Taluk, Tirunelveli District. Having purchased the same, by virtue of the sale deed dated 12.06.2013, the petitioner intends to construct a godown in the said property. However, all of a sudden, the respondent is trying to put up a bore well for public purpose in front of the petitioner's property. According to the petitioner, if the bore well is erected in front of his property, the ingress and egress into the property would be affected and therefore, the utility value of the property will be spoiled and therefore, the petitioner had given a representation dated 09.07.2015 requesting the respondent not to put up bore well in front of the property of the petitioner and shift the same to the nearby Government property. Since, it evoked no response, the petitioner has come forward with this writ petition seeking a direction to the respondent to stop digging the bore well in front of the petitioner's property.

2.Heard Mr.S.Bhuvaneshwaran, learned counsel for the petitioner and Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for the respondent.

3.The learned Additional Government Pleader appearing for the respondent would submit that merely because the bore well is being dug only for the public purpose and that too not in the property of the petitioner, the petitioner should not have any grievance. Merely on the apprehension that the erection of bore well in front of the property of the petitioner will spoil or prevent entry of vehicles in the said property, the direction as sought for by the petitioner cannot be granted.

4.In any event, as the petitioner has given a representation on 09.07.2015 to the respondent, this Court instead of granting the relief sought for by the petitioner, merely, directs the respondent to consider and pass orders on the petitioner's representation dated 09.07.2015, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

The Director,
Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 600 015.

+ 1 cc to the Government, High Court, Madras. Sr.40926
+ 1 cc to M/s. S. Bhuvaneshwaran, Advocate 40877

PPA(CO)
EU 24.08.15

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W.P.No.22313 of 2015