

In the High Court of Judicature at Madras

Dated: 12.08.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.24830 of 2015

M.S. Subbarayan

.. Petitioner

vs.

1. The District Collector
Office of District Collector
Namakkal.
2. The Revenue Divisional Officer
Thiruchengode.
3. The Tasildhar
Thiruchengode.
4. The Block Development Officer
Elachipalayam Panchayat Union
Elachipalayam, Thiruchengode Taluk
Namakkal District.
5. The President
Periyamanali Panchayat
Panchayat Union Elachipalayam
Periyamanali Post 637 410
Thiruchengode Taluk, Namakkal District.
6. Paramasivam
7. Ponnammal
8. Sadhasivam
9. Chinna Gounder
10. Mani (Teacher)
11. Suseela (Teacher)
12. Kaliyammal
13. Kannammal
14. Saradha Mani (Retr.Teacher)
15. Ponni

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 5 to close the dilapidated Well at S.No.289/3, Periyamanali Panchayat, Elachipalayam Panchayat Union, Thiruchengode Taluk, Namakkal District and reconstruct the 20 feet width road portion in S.No.289/1 which was slid into the dilapidated Well, for safe, smooth transport of the Public within the time which may be stipulated by this Honourable Court.

For Petitioner : Ms. G. Devi
For Respondents : Mr. V.R. Kamalanathan
Addl. Govt. Pleader for R1 to R5

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner has been compelled to approach this Court in a public interest litigation on account of inaction on the part of the respondents-authorities, despite knowing the ground reality in respect of the request for closing down an old and dilapidated well next to a road, causing danger to public and vehicles.

2. The photographs annexed to the petition leave no manner of doubt that there is every possibility of somebody falling into the well or a wheel of a vehicle on the road slipping into the open well. Some preventive measures have been taken at the site by extending temporary pillars, but the simple act of closing the well has not been completed.

3. The Local Panchayat also took steps, including moving under Section 133 of the Code of Criminal Procedure, for nuisance being caused and despite the direction of the Collector dated 23.05.2015 and the consequent letter issued by the Block Development Officer dated 12.06.2015, nothing seems to have happened.

4. We must express our displeasure on the failure of the authorities to remove the nuisance and take remedial action. The closing of a well is not such a complicated task, as should have taken months with only letters written from one Officer to another, but no ground level action.

5. We are of the view that there is, thus, no option, but to direct the first respondent to take necessary action for removal of the nuisance, after notice to all concerned within a period of one month from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To,

1. The District Collector
Office of District Collector
Namakkal.
2. The Revenue Divisional Officer
Thiruchengode.
3. The Tasildhar
Thiruchengode.
4. The Block Development Officer
Elachipalayam Panchayat Union
Elachipalayam, Thiruchengode Taluk
Namakkal District.
5. The President
Periyamanali Panchayat
Panchayat Union Elachipalayam
Periyamanali Post 637 410
Thiruchengode Taluk, Namakkal District.

+1 cc to Mr.V.Raghupathi, Advocate sr.42009
+1 cc to Government Pleader sr.42098

W.P. No. 24830 of 2015

scd(co)
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