

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No.33820 of 2015

and

M.P.No.1 of 2015

Shanmugam

[PETITIONER]

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram
2. The Tahsildar,
Cheyyur Tahsildar Office,
Cheyyur,
Kanchipuram District.
3. The Block Development Office,
Pavoonchur,
Cheyyur Taluk,
Kanchipuram District.
4. Guna Sundari

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents not to shift the water tank in petitioner Natham Plot in Survey No.141 to the extent of 0.03 cents at Gangai Amman Koil Street, Lathur Village and Post, Cheyyur Taluk, Kanchipuram District by considering the representation dated 28.09.2015 made by the petitioner.

For Petitioner : Mr.A. Venkatesh

For Respondents : Mr. R.Rajeswaran,
Special Government Pleader - R1 to R3

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.A.Venkatesh, learned Counsel appearing for the petitioner and Mr. R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The petitioner seeks for issuance of writ of mandamus to direct the respondents not to shift the water tank into the lands in Survey No.141, which is admittedly classified as 'Natham Poramboke'.

4. The petitioner would state that he has sought for grant of patta in respect of the said land and the said request is pending. In the meantime, since there was no proposal to shift the water tank of the said land, the petitioner has approached this Court and also made certain vague allegations of mala fide against the fourth respondent, who is the President of the Village Panchayat.

5. As long as the petitioner does not have valid patta in respect of the land in question, the question of the petitioner objecting to the transfer of public water tank into the land in question does not arise. Hence, the prayer sought for cannot be granted.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.
srn/rpa

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Kanchipuram District,
Kanchipuram
2. The Tahsildar,
Cheyyur Tahsildar Office,
Cheyyur,
Kanchipuram District.
3. The Block Development Office,
Pavoonchur,
Cheyyur Taluk,
Kanchipuram District.

+1 C.C. To The Government Pleader in SR.NO.60739

W.P.No.33820 of 2015
and
M.P.No.1 of 2015

TM(CO)
SD : 24/11/2015