

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.8473 of 2014

M.P.Veerasamy

.. Petitioner

Vs.

M/s.Nuclear Power Corporation India Limited
Owning Madras Atomic Power Station
Kalpakkam - 603 102
represented by its Managing Director. .. Respondent

The writ petition is filed to issue a writ of mandamus, directing the respondent to put up a water tank within the limits of Manamai Panchayat Colony as undertook prior to 2007.

For Petitioner : M/s.A.S.Narasimhan
For Respondent : Mr.V.Vijayshankar

ORDER

Heard.

2.This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondent to construct an overhead water tank, within the limits of Manamai Panchayat Colony, as per the undertaking given by the respondent, prior to 2007.

3. The petitioner has stated that Manamai Village is located within 15 kilometres of Kalpakkam Atomic Power Project, which was established and being maintained by the respondent. In all the hamlets of Manamai Village Panchayat, overhead water tanks had been constructed, except in Manamai Village. Therefore, repeated requests had been made for the construction of overhead water tank in Manamai Village.

4. Based on the said requests, Manamai Village Panchayat had passed a resolution, on 31.1.2007, to construct a

overhead water tank. However, the said resolution had not been implemented, till date.

5. In such circumstances, the petitioner has preferred the present writ petition, under Article 226 of the Constitution of India.

6. A counter affidavit has been filed on behalf of the respondent, dated 21st July, 2016. Paragraph No.11 of the counter affidavit reads as under:-

"11.As per the concurrence given by the petitioner, who is the President of Manamai and other members of the Panchayat, the location was visited by the respondent along with the contractor. After a thorough inspection, it was found that the identified location was not fit for construction. In this regard, a communication was sent to the petitioner, vide letter No.MAPS/QAS/CSR/2012, dated 27.4.2012. It was pointed out that it will be difficult to dump the excavated materials including sands, rocks etc. since the site is surrounded by houses on all sides and also with roads of 20 feet width all around. It was felt that there is a possibility of damage to the adjacent houses while digging the foundation pits. Moreover, it was pointed out that the electrical cables which are running close to the identified sites also recover re-routing to enable erection of the scaffoldings for construction of water tank."

In view of the above averments made in paragraph No.11 of the counter affidavit filed on behalf of the respondent, this Court is of the view that the relief prayed for in the present writ petition, cannot be granted. Hence, the writ petition is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

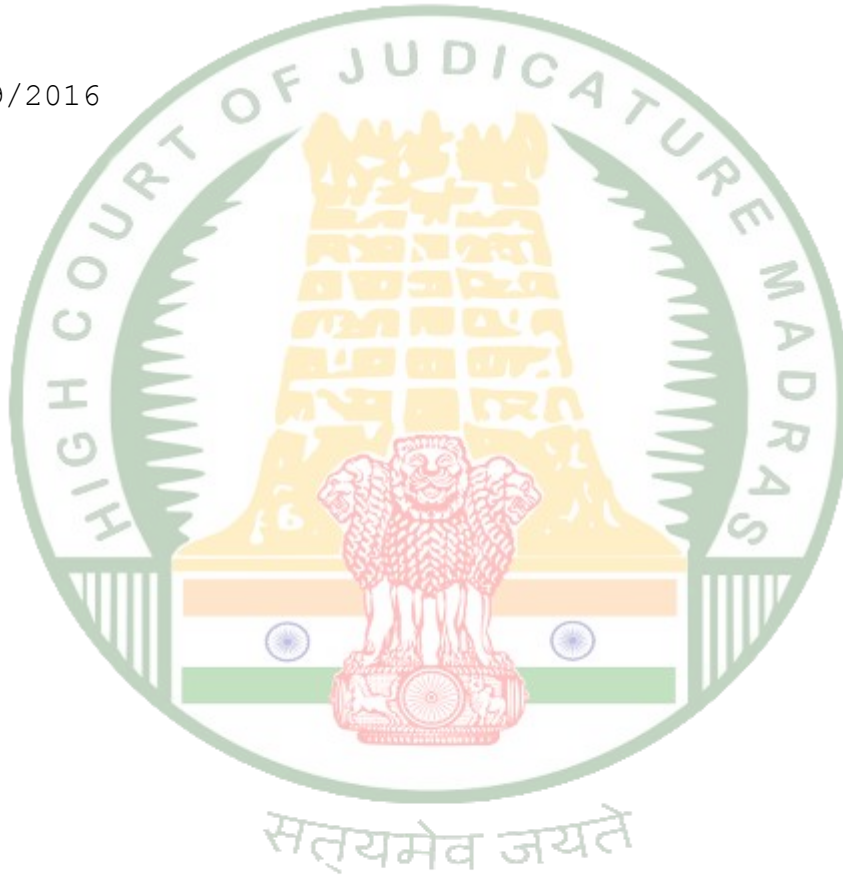
rnb

To
The Managing Director
M/s.Nuclear Power Corporation India Limited
Owning Madras Atomic Power Station
Kalpakkam - 603 102

+1 CC to M/s. V. Vijay Shankar, Advocate Sr.No.49609

W.P.No.8473 of 2014

MP (CO)
MD : 22/09/2016



WEB COPY