

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.40804 of 2015
and M.P.No.1 of 2015

V.Vedappan .. Petitioner

-vs-

1.The District Collector,
Collectorate, Salem.

2.The Tahsildar,
Idappadi Taluk, Salem District.

3.The Block Development Officer,
Kongarapuram Panchayat Union,
Salem District.

4.The Assistant Engineer,
Kongarapuram Panchayat Union,
Salem District.

5.The President,
Vellalapuram Village,
Kongarapuram Panchayat Union,
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first and second respondents to demolish the constructions in S.No.285/2 of Vellalapuram Karattur Village.

For Petitioner : Mr.T.Ananthasekar

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.
and Mr.V.Shanmuga Sundar, G.A.

O R D E R

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

The averments in the petition suggest that the present petition is really in the nature of a proxy battle between the occupiers of the land where the Anganwadi Centre is to be set up and the fifth respondent and such a petition cannot be treated as a Public Interest Litigation.

2.We may, however, clarify that in view of the Full Bench judgment of this Court in T.K.Shanmugam vs. State of Tamil Nadu, 2015 WLR 1029, there is no question of construction on land which has been categorised as water body / water area.

3.Writ Petition stands dismissed with the aforesaid observation. No costs. Consequently, M.P.No.1 of 2015 also stands dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sra

To

- 1.The District Collector,
Collectorate, Salem.
- 2.The Tahsildar,
Idappadi Taluk, Salem District.
- 3.The Block Development Officer,
Kongarapuram Panchayat Union,
Salem District.
- 4.The Assistant Engineer,
Kongarapuram Panchayat Union,
Salem District.
- 5.The President,
Vellalapuram Village,
Kongarapuram Panchayat Union,
Salem District.

1 cc to Mr.T. Anantha Sekar, Advocate,Sr. 44
1 cc to Government Pleader, Sr. 149

NM (CO)
kk 19/1

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