

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.4897 of 2016

1.K.V.M.Veerasamy
2.K.V.M.Subbiah

.. Petitioners

Vs

1. The Collector
Cuddalore District, Cuddalore.
2. The Tahsildar
Kurinjpadi, Kurinjpadi Taluk
Cuddalore District.
3. The Commissioner
Kurinjpadi Panchayat Union
Kurinjpadi, Kurinjpadi Taluk
Cuddalore.
4. The President
Thambipettai Panchayat
Kurinjpadi Taluk, Cuddalore District.
5. The Executive Engineer
Tamil Nadu Water and Drainage Board
Cuddalore, Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to remove the overhead water tank unauthorisedly constructed in petitioner land by respondents 4 and 5 in S.No.21/2 in Kesavanarayanapuram village, Kurinjpadi Taluk, Cuddalore District or alternatively to pay petitioners suitable compensation with interest.

For Petitioners : Mr.R.Gururaj
For RR 1 to 3 : Mr.R.Rajeswaran
Special Government Pleader

ORDER

Heard the learned counsel for the petitioners and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the respondents 1 to 3 and with their

consent, this writ petition is taken up for final disposal at the admission stage.

2 The petitioners seek for a direction upon the Commissioner, Kurinjipadi Panchayat Union, to remove the overhead water tank, which according to the petitioners, has been erected on the petitioners' property without notice to them and without payment of any compensation.

3 It is not known as to why the petitioners did not object immediately as soon as the work commenced and appears to have waited for a considerable length of time. By then, the construction has already been completed. Therefore, it may be inequitable at this stage to remove the overhead water tank which has been put up utilising public funds. Faced with this situation, the learned counsel for the petitioners would submit that atleast, the petitioners may be compensated for utilising their lands for erecting of the water tank.

4 Firstly, the authority is to consider whether the tank has been constructed in the petitioners' land and if it is so, then the petitioners are entitled for reasonable compensation. To this extent, the 3rd respondent shall consider the petitioners' representation dated 15.04.2015 on merits and in accordance with law, after causing due verification of the site in question and pass appropriate orders. The above direction shall be complied with by the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order.

5 The writ petition is disposed of with the above direction. No costs.

AP

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1.The Collector
Cuddalore District, Cuddalore.
- 2.The Tahsildar
Kurinjipadi, Kurinjipadi Taluk
Cuddalore District.
- 3.The Commissioner

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Kurinjipadi Panchayat Union
Kurinjipadi, Kurinjipadi Taluk
Cuddalore.

4.The President
Thambipettai Panchayat
Kurinjipadi Taluk, Cuddalore District.

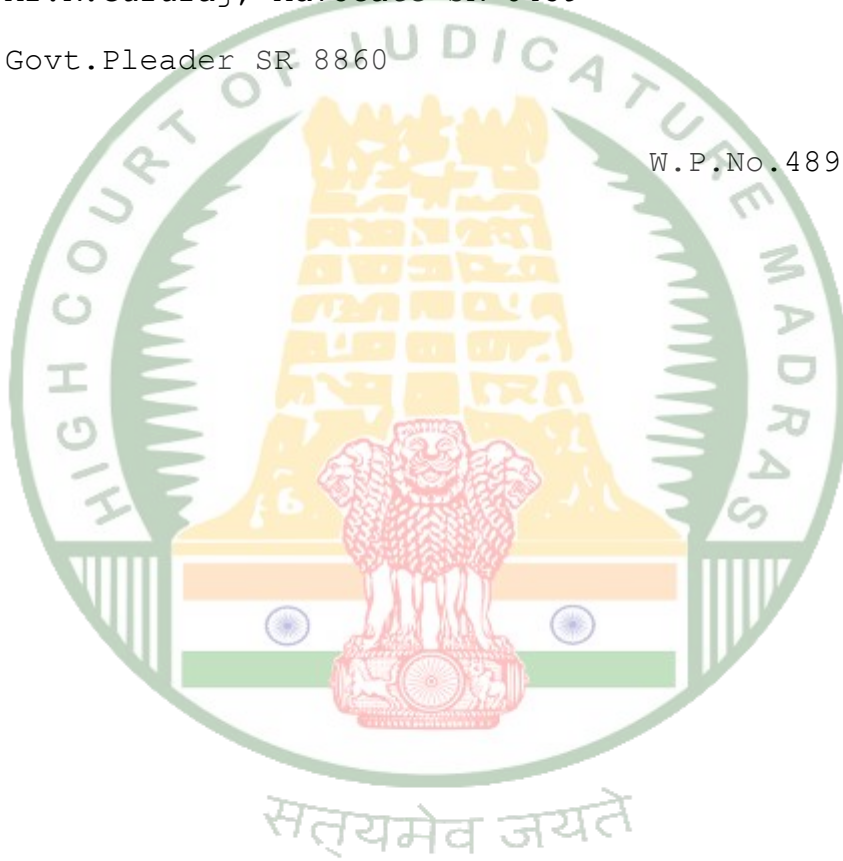
5.The Executive Engineer
Tamil Nadu Water and Drainage Board
Cuddalore, Cuddalore District.

+ 1 cc to Mr.R.Gururaj, Advocate SR 8459

+ 1 cc to Govt.Pleader SR 8860

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