



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.12.2016
CORAM

THE HONOURABLE MR. JUSTICE K. RAVICHANDRA BAABU

W.P (MD) No. 5303 of 2015

H. Bonifas

.. Petitioner

vs.

1. The Deputy Director
No. 166, North Beach Road,
Fishereis campus,
Thoothukudi - 628 001

2. The Thasildhar,
Taluk Office,
Sattankulam Taluk,
Tuticorin - 628 704

3. The Block Development Officer (Panchayat)
Block Development office,
Sattankulam Taluk,
Tuticorin - 628 704

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus to direct the 3rd respondent to comply with the order passed by the 1st respondent dated 05.02.15 in accordance with law.

For Petitioner : Mr. C. Ganesh Kumar
For Respondents : Mr. T.S. Mohammed Mohideen
Additional Government Pleader

O R D E R

The petitioner seeks for a mandamus to direct the 3rd respondent to comply with the order passed by the 1st respondent dated 05.02.2015 in accordance with law.

2. Heard both sides.

3. It is seen that the first respondent through proceedings dated 05.02.2015 directed the third respondent to close the subject matter well as it causes health hazard. But, it was not closed for a long time.

4. Now the learned Additional Government Pleader appearing for the respondents, based on instructions from the third respondent, submitted that the said well is a public well and the people in the said locality are demanding to maintain the well after cleaning the same instead of closing it forever. Therefore, the learned Additional Government Pleader submitted that the third respondent is going to send a report to the first respondent to ~~send a report to the first respondent~~ will also take effective steps to clean the said well and maintain the same thereby preventing any health hazard.



5. The learned counsel for the petitioner fairly submitted that since the third respondent is prepared to clean the well and maintain the same, thereby preventing any health hazard, the petitioner is not interested in closing the well if appropriate orders are passed to the respondents.

6. Considering the above said facts and circumstances and in view of the fact that the well in dispute is a public well and the fact that the third respondent proposed to clean the same and maintain it properly without creating any health hazard, this Court is of the view that instead of closing the said well, it can be left open for public use, ofcourse after cleaning the same and maintaining it periodically.

7. Accordingly, this writ petition is disposed of by directing the respondents 1 and 3 to see that the subject matter well is cleaned properly, maintained periodically and make it available for public use, without causing any health hazard. Such exercise shall be done by the respondents 1 and 3 within a period of four weeks from the date of receipt of copy of this order. No costs.

Sd/

Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To,

1. The Deputy Director, No. 166, North Beach Road,
Fishereis campus, Thoothukudi - 628 001
2. The Thasildhar, Taluk Office,
Sattankulam Taluk, Tuticorin - 628 704
3. The Block Development Officer (Panchayat) Block Development
office, Sattankulam Taluk, Tuticorin - 628 704

+1 cc to Mr.C.Ganesh Kumar, Advocate, SR.No.81972

+1 cc tp Spl. Govt. Pleader, SR.No.82313

CM

AES/MSK-TTN/2p/6c/23.01.2017

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