



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.12.2016
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24629 of 2016

R.Kanagam .. Petitioner

Vs.

- 1.The District Collector,
O/o.The Collectorate Buildings,
Madurai District.
- 2.The District Revenue Officer,
O/o.District Revenue Officer Office,
The Collectorate Buildings,
Madurai District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer Office,
The Collectorate Buildings,
Madurai District.
- 4.The Thasildar,
Vadipatti Taluk,
Vadipatti, Madurai.
- 5.Chinnachamy
- 6.Nallu
- 7.Pitchai
- 8.Dharman
- 9.Nalluchamy
- 10.Murugan
- 11.Mahalingam

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus compelling the respondents 1 to 4 to remove the unlawful fence erected by the respondents 5 to 11, which blocked the petitioner's access to the common Well comprised in R.S.No.531/9,



Chempukudipatti Village, Thanichiyam Post, Vadipatti Taluk, Madurai District, to get drinking water within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah
 For Respondents 1 to 4 : Mr.R.Velmurugan,
 Government Advocate.
 For Respondents 5 to 11 : No Appearance

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove the fence unlawfully erected around the well situate in R.S.No.531/9, Chempukudipatti Village, Thanichiyam Post, Vadipatti Taluk, Madurai District, by way of issuing a writ of mandamus.

2.It is averred in the petition that R.S.No.531/9 has been classified as a well and the same is meant for public use. But the respondents 5 to 11 have put up a fence around the same. Under the said circumstances public cannot have ingress and egress to the said well and therefore the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has argued on the basis of the averments made in the petition.

4.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents 1 to 4. Considering the nature of the relief sought in the writ petition, notice need not be sent to the respondents 5 to 11.

5.The only contention putforth on the side of the petitioner is that in R.S.No.531/9, Chempukudipatti Village, Thanichiyam Post, Vadipatti Taluk, Madurai District, there is a well and its water is being used for drinking purpose by the general public. But the respondents 5 to 11 have put up a fence around the same so as to deter the general public. Under the said circumstances, the present writ petition has been filed.

6.On the basis of the averments made in the petition, this Court has perused relevant revenue record and ultimately found that R.S.No.531/9 has been classified as a well. Further it is seen from the photographs filed along with the writ petition that around the well a fence is in existence.

7.Considering the nature of classification of R.S.No.531/9 as a well and considering existence of fence, this Court is of the view to direct the respondents 1 to 4 to take appropriate action as mentioned below.



8. In fine, this writ petition is allowed without costs and the respondents 1 to 4 are directed to conduct a detailed enquiry and if the well which is situated in R.S.No.531/9 is a public well, the respondents are bound to remove the fence within a period of two months.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o. The Collectorate Buildings,
Madurai District.
2. The District Revenue Officer,
O/o. District Revenue Officer Office,
The Collectorate Buildings,
Madurai District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer Office,
The Collectorate Buildings,
Madurai District.
4. The Thasildar,
Vadipatti Taluk,
Vadipatti, Madurai.

+1cc to Mr. M. Ponniah, Advocate Sr.No.82651
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.83171

ORDER MADE IN
W.P (MD) No.24629 of 2016
22.12.2016

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