

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services Committee

Thursday, the 2nd day of March 2017

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr. JUSTICE K. GNANAPRAKASAM (Retd.,)
and

Members:

Mr. Duraikaliyarathinam

Ms. P. Vijayalakshmi

W.P. No. 32487 of 2013

(This Writ Petition is filed to issue a writ or order of direction in the nature of writ of certiorarified mandamus calling for the records of the impunged letter dated 27.8.2013 issued by the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to issue / grant permit for sinking new borewell at Puducherry Registration District, Bahoor Sub-Registration District, Bahoor commune and Panchayat Village No. 78, Kurivinattam veli, bearing R.S.No. 56/12, 39 Are 36 centiare with boundaries - South of V.S. Natarajan and Kaliyaperumal lands, West of Ayyanar's Land, North of V.S.Natarajan's Land and East of Samikannu @ Veerappan's family lands.)

V. S. Natarajan

... Petitioner

vs.

1. The Union Territory of Puducherry,
Rep. by its Chief Secretary,
Secretariat,
Puducherry.

2. Pondicherry Ground Water Authority,
Rep. by its Member Secretary,
Puducherry.

3. S. Ramalingam

... Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. Mr. D. Ravichander, learned Advocate for the petitioner is present. Mr.R.Sarbath Ali, learned Advocate for the 3rd respondent is present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

JUDGMENT

Both the parties and learned Advocates for both the parties are present. The parties have settled the matter and also filed a Memorandum of settlement into Court and the same is taken on file and recorded, which runs as follows :-

1. V.S. Natarajan has 2/3rd share and S.S.Ramalingam has 1/3rd share in the property mentioned in the schedule hereunder. The parties agreed to enjoy the land and electricity connection, as stated in the settlement deed dated 15.5.1996, registered as Doc.No.511/1996, SRO, Bahour executed by Pavadai Padaiyachi and his wife Pooraniammal in favour of their three sons.
2. The petitioner states that the old bore erected by their father has become disused for want of water and the 3rd respondent S. Ramalingam has removed the bore pipe and put up New bore well near by land in survey No.54/3 and fixed the motor. Without going into the truth or otherwise of the statement made by both of parties, they agree that there is a bore well in survey number 54/4 and the submersible 12.5 Electric Motor to be erected in the bore well by removing in from 54/3. Both the parties admit that the water level in the said bore well is also depleted and a new bore well has got to be put up.
3. As such both of the parties agree to put up new bore well near by the existing one in survey number 54/4 and erect the electric motor in the said bore well. Both the parties agreed to share the expenses in ratio of 2/3 by V.S.Natarajan and 1/3 by S.S.Ramalingam. Both the parties also agreed that the water from bore well shall be shared in 2/3 for V.S.Natarajan and 1/3 for S.S.Ramalingam.
4. Both the parties further agree that if for any reason the new bore well that is agreed to be put up, fails to supply water, both the parties agree that they will find out the water source in survey number 54/4 or any other survey number owned by V.S.Natarajan or S.S.Ramalingam, where the water is available and agreed to sink the new bore well in

- said survey number 54/4. Further agreed that both the parties shall share the water in the same ratio of $\frac{2}{3}$ for V.S. Natarajan and $\frac{1}{3}$ for S.S.Ramalingam and in addition also bear all the expenses in the same ratio.
- 5.If for any reasons, both the parties do not agree either in selecting the land to put up new bore well which has got to be erected or in meeting the expenditure in sinking the bore well and erecting the motor, both the parties are entitled to go for Arbitration.
 - 6.The petition given by V.S.Natarajan to the Lt.Governor & the petition given by S.S.Ramalingam before the Ground Water Authority or before any other Officials/ Authorities, the parties hereby agree to peruse the same in the manner known to law.
 - 7.S.S.Ramalingam has no objection for removing the new submersible motor and pipe which was erected in Survey number 54/3 by V.S.Natarajan on his own cost, which was fixed by S.S.Ramalingam at Survey number 54/3 towards use of V.S.Natarajan towards the new bore well to be sunk by V.S.Natarajan and S.S.Ramalingam at Survey number 54/4.
 - 8.V.S.Natarajan hereby undertakes not to transfer Electricity connection in Electricity Policy bearing No.20811 to any other name or any other Survey numbers to be obtained by him for the bore well motor pump in the schedule mentioned property to any other lands or survey numbers owned by him.
 - 9.Both the parties hereby agree that to sunk a bore well in Survey number 54/4 for which both of them don't have any objection for the same, even if there is any objection made by them the same is not valid & binding upon both the parties. In view of the same there is no embargo for the ground water authority to accord license to dig bore well at Survey Number 54/4.

SCHEDULE OF PROPERTY

All the piece and parcel of lands in Pondicherry Registration District, Bahour Sub-Registration District, Bahour commune and Panchayat, Village No.78, Kuruvinnattam Veli, bearing RS.No.54/4, Cadastre No.662 bis/2/2/1 measuring 5 A res, with following boundaries

North by Thandapani's Land,
East by Sanniyasi's and others Land,
South by lands belonging to Ramaswamy,
West by lands belonging to Ramaswamy,

Dated at Chennai this the 2nd day of March, 2017.

The Award is passed in view of the settlement stated above.

sd/-
M/s. V. S. Natarajan

sd/-
Advocate for Petitioner

sd/-
M/s. S. Ramalingam

sd/-
Advocate for 3rd Respondent

The Court fee paid shall be refunded to the parties in the manner provided under the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

sd/-
MEMBER

sd/-
JUDGE

sd/-
MEMBER

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To
The parties/Advocate concerned

Copy to

- 1.The Chief Secretary, Secretariat, Puducherry.
- 2.The Secretary, Pondicherry Ground Water Authority, Puducherry.
- 3.The Secretary, High Court Legal Services Committee, Chennai.
- 4.The Section Officer, V.R.Section, High Court, Madras.
- 5.The Section Officer, Lok Adalat Section, High Court, Madras.

lrs(co)
ss(21/4/2017)

W.P.No.32487 of 2013

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