

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.37503 of 2016
and
W.M.P.No.32136 of 2016

Adhi. Senthilkumar ... Petitioner

Vs.

1.The District Collector
Office of the District Collector
Villupuram
Villupuram District.

2.The Commissioner
.
Tindivanam Municipality
Tindivanam
Villupuram District.

3.The Municipal Chairman
Tindivanam Municipality
Villupuram District.

4.The Municipal Councilor
20th Ward
Tindivanam Municipality
Villupuram District.

... Respondents

Prayer : This Writ Petition is filed under Article 226, of Constitution of India praying to issue a Writ of Mandamus to direct the 1st and 2nd respondents to discontinue the excavation work obstructing the common path way by the 4th respondent in Survey No.86/21F,21H,21L in Town Survey No.7/10C3A, extending to 00206 square meter and Old Survey No.86/10, Town Survey No.7/24A1 extending to 00228 square meter pertaining to the Tindivanam Municipality.

For Petitioner : Mr.P.G.PERUMAL PANDIAN

For Respondents : Mr.S.DIWAKAR,
Special Govt. pleader (for R1)
Mr.V.Vinoth Kumar (for R2)
No appearance for R3 & R4

ORDER

The petitioner objects to the construction of the over head tank on the ground that it obstructs the Public. In the counter affidavit filed it has been stated that the said contention is factually incorrect.

2. The over head tank is constructed in the public property and the road is also a public road. The over head tank is meant for drinking water facility to the residents of Mahatma Gandhi Nagar lay out. The said decision was made in pursuant to the resolution made by the Local Body. Therefore, the contention of the petitioner that it is constructed for an extraneous purpose is borne out from the record.

3. In the counter affidavit filed, it has been stated that the main entrance of the petitioner is facing South side of his house and the over head tank is on the Northern side. The averment made in the counter affidavit that 85% of the construction is over is also not seriously disputed. Further more, the disputed questions of fact cannot be gone into in this Writ Petition.

Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tkp/raa
To

1.The District Collector
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Villupuram
Villupuram District.

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Tindivanam
Villupuram District.

3.The Municipal Chairman
Tindivanam Municipality
Villupuram District.

4.The Municipal Councilor
20th Ward
Tindivanam Municipality
Villupuram District.

+lcc to the Government Pleader Sr.40746

W.P.No.37503 of 2016

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srg 19/06/2017



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