



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

W.P (MD) .No.11835 of 2017

and

WMP (MD) .No.9107 of 2017

R.Vellaisamy

... Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The Block Development Officer,
Reddiarchatram,
Dindigul District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents not to construct or dig deep bore well in petitioners' land in Survey No.118/3, 118/4, 119/5, 119/6, 121/3, 4, 5, 6, 7, 8, 9, 121/10, 11, 12 at Palaiyakannivadi, Dindigul West, Dindigul District based on petitioner's representation of objection dated 05.06.2017.

For Petitioner	: Mr.F.Deepak
For Respondents	: Mr.D.Muruganandham Additional Government Pleader

O R D E R

The Prayer sought for in the Writ Petition is issuance of a Writ of Mandamus, forbearing the respondents not to construct or dig deep bore well in petitioner's land in Survey.No.118/3, 118/4, 119/5, 119/6, 121/3, 4, 5, 6, 7, 8, 9, 121/10, 11, 12 at Palaiyakannivadi, Dindigul West, Dindigul District based on petitioners' representation of objection dated 05.06.2017.

2.The case of the petitioner is that the land referred above is an ancestral property and they are in possession and enjoyment of the same. They are doing agricultural activities and eking out their livelihood out of the agriculture activities by the water resource available in the above Survey Numbers. Further, the petitioner alleged that the respondents without acquiring patta land has planned to put up deep bore well. Hence the written objection was given to the first respondent on 05.06.2017 and the same was forwarded to the second respondent for taking necessary action, which was keeping the objection in the cold storage. Since the respondents are taking effective steps to interfere with



their possession, the present Writ petition was filed by the petitioner.

3. Heard Mr.F.Deepak, learned Counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondents.

4. The learned Counsel appearing for the respondents, on instructions, would submit that the respondents have planned to dig the bore well in Survey No.121/11, which is described as Sarkar Oorani. Since the respondents have right over the property and they cannot make any objection.

5. Mr.F.Deepak, learned counsel for the petitioner would submit that the Adangal, survey land register, enclosed with the typed set would show that the Survey No.121/11 belongs to the petitioner's family.

6. Considering the rival submissions of the learned Counsels, this Court is of the considered opinion that the first respondent before taking a further decision, shall consider the objection/representation of the petitioner dated 05.06.2017, after providing an opportunity to the petitioner and other necessary parties.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The Block Development Officer,
Reddiarchatram,
Dindigul District.

+1cc to Mr.F.Deepak, Advocate Sr.No.62239
+1cc to Spl.Government Pleader Sr.No.62511
DAS/MSA
VB/MR/KKR/SAR3/10.07.2017/2P/5C

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