



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.17492 of 2017
and
WMP(MD)No.14014 of 2017

Chellamuthu

: Petitioner

-vs-

1. The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kadavur Taluk, Karur District.

3.The Tahsildar,
Kadavur Taluk, Karur District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from digging well in S.F.251/2A to the extent of 0-82.50 hector at Manchanachikenpatti Village, Kadavur Taluk, Karur District.

For Petitioner : Mr.N.Shanmuga Selvam

For Respondents : Mr.C.Selvaraj
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus forbearing the respondents from digging Well in S.F.251/2A to the extent of 0-82.50 hector at Manchanachikenpatti Village, Kadavur Taluk, Karur District.

2. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal.

3.The case of the petitioner is that the property to an extent of 0-82.50 hector in S.F.No.251/2A, situated at Manjanayakanpatti Village, Kadavur Taluk, Karur District originally belongs to the



petitioner and his mother Maruthayee. After demise of his mother, the petitioner is in possession and enjoyment in the same. Due to scarcity of water, the petitioner is making arrangement to dig a Well, but the second and third respondents are preventing the petitioner to dig the Well and also threatened that they will take penal action against him. The respondents are preventing only on the apprehension that there may be availability of some minerals during the course of digging the Well. Therefore, the petitioner sent a representation to the respondents explaining the need of Well. Since there is no response, the present Writ Petition.

4. Mr.N.Shanmuga Selvam, learned counsel appearing for the petitioner would submit that this Court in W.P.(MD)No.227 of 2017, by an order dated 19.01.2017, permitted the landlord to dig a Well in his private Patta land on condition that while digging the Well, if the landlord come across some minerals, the landlord has to inform the same to the authorities concerned. Further, if the respondents themselves find any such event, it is open to them to take action as per law. The learned counsel for the petitioner requested this Court to pass the similar order in this Writ Petition also.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and also perused the materials available on record.

6.It is not in dispute that the petitioner is the owner of the agricultural land in S.F.No.251/2A and he sought permission from the authorities to dig a Well. It is now contended by the learned counsel for the petitioner that for digging a Well in his own Patta land, permission is not at all required. This Court in the order dated 29.06.2017 [cited supra] permitted the Landlord to dig a Well on condition that if he finds any minerals in his land, he should inform the same to the authorities.

7.In view of the above said fact, the writ petitioner is permitted to dig a Well in his own Patta land and while digging the Well, if he come across some minerals, he has to inform the same to the competent authorities. If the respondents themselves find any such event, it is open to them to take action against the petitioner in accordance with law.

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

Sd/-

Assistant Registrar(CS-III)



To

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer,
Kadavur Taluk, Karur District.

3. The Tahsildar,
Kadavur Taluk, Karur District.

+1cc to Mr.N.Shanmuga Selvam, Advocate in SR.No.79499

+1cc to The Special Government Pleader in SR.No.79752

das/skn

AE/KK/SAR3/03.10.2017/3P/6C

Order made in
W.P (MD) No.17492 of 2017
Dated: 18.09.2017