

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1515 of 2018

M.Natarajan ... Appellant

vs

1.The District Collector,
Tiruvannamalai District, Tiruvannamalai.

2.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.

3.K.Chinnadurai

4.K.Barani

5.C.Ravi

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.6070 of 2017 dated 20.03.2018.

W.P.No.6070 of 2017

Writ Petition filed under Article 226 of India to issue writ of certiorarified Mandamus calling for the records of the First Respondent in respect of the Order No.Na Ka C3/ 40878/ 2015 dated 7.6.2016 issued by the I respondent and to quash the same and direct the 1st respondent to stop the construction of a well by using the explosives by digging a well at Narasingapuram Madura Kuppam Tiruvannamalai District by respondents 3 to 5

For Appellant :: Mr.M.Natarajan,
Party-in-Person

For Respondents :: Mr.P.S.Sivashanmugasundaram,
Spl.GP for R1 and R2

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.6070 of

2017 before this Court praying for quashing the order passed by the first respondent dated 07.06.2016 and for a direction to the first respondent to stop construction of a Well by using explosives at Narasingapuram Madura Kuppam, Tiruvannamalai District, by the respondents 3 to 5. It was contended by the appellant before the writ Court that the respondents 3 to 5 were digging a Well within a distance of 150 metres from the appellant's land and therefore, they should be prevented from digging the Well within the said limit. It was also contended that the respondents 3 to 6 are digging the Well using explosives, causing hardship to the appellant. The learned single Judge dismissed the writ petition on 20.03.2018 observing that the restriction with regard to digging of Well within a distance of 150 metres is exempted in respect of agricultural lands and in respect of using explosives, the learned single Judge held that the first respondent has considered all the facts and circumstances of the case and has passed a detailed order and hence the same cannot be said to be erroneous.

2. Challenging the order passed in the writ petition, the present writ appeal has been filed.

3. When this appeal was taken up, the learned Special Government Pleader appearing for the respondents 1 and 2 has produced the letter of the District Collector, Tiruvannamalai District, addressed to the Government Advocate, Madras High Court, in Na.Ka.No.C3/3267/2018 dated 20.07.2018, in which it is stated that after a detailed enquiry, the Tahsildar, Chetpet, has submitted a report on 20.07.2018 that the Well in question is only in the old stage and till now, the said Well has not been dug using explosives. Producing the said letter, the learned Special Government Pleader submitted that the apprehension of the appellant that the authorities will use explosives to dig the Well, need not be entertained.

4. In view of the above, we are not inclined to entertain the apprehension of the appellant that the Well would be dug by using explosives. Further, it has been clarified by the learned single Judge that the restriction with regard to digging of the Well within the distance of 150 metres is exempted in respect of agricultural lands and hence the appellant cannot prevent the respondents 3 to 5 from digging a well within the said distance, which we are not inclined to interfere.

5.In the result, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruvannamalai District, Tiruvannamalai.

2.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.

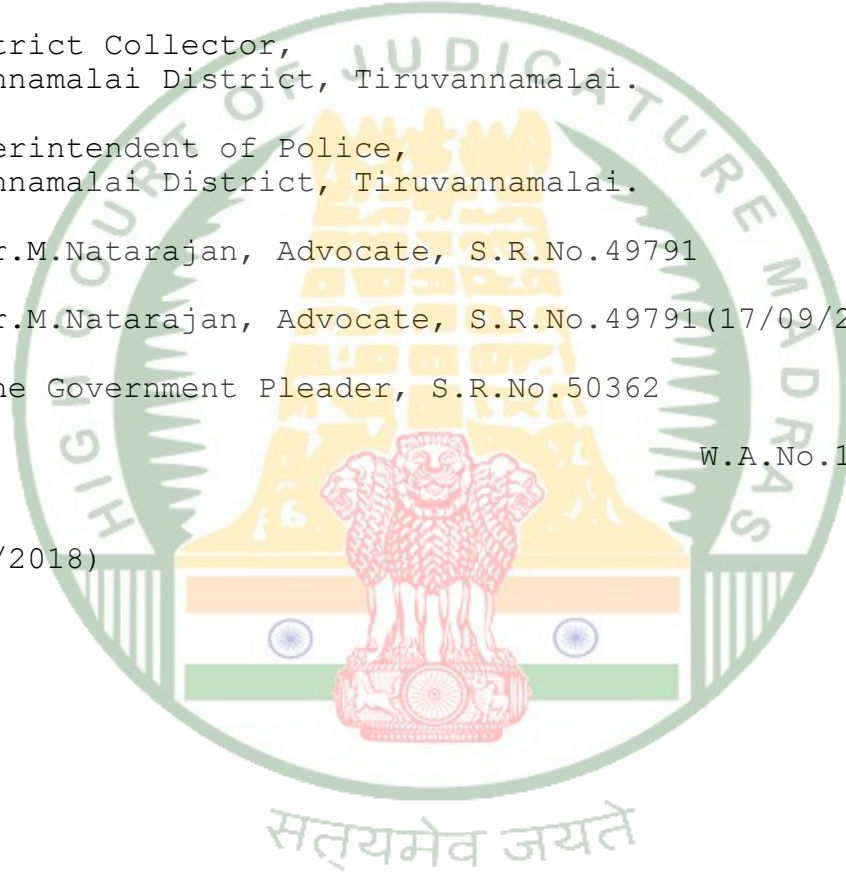
+1cc to Mr.M.Natarajan, Advocate, S.R.No.49791

+1cc to Mr.M.Natarajan, Advocate, S.R.No.49791 (17/09/2018)

+1cc to the Government Pleader, S.R.No.50362

W.A.No.1515 of 2018

SS (CO)
GSP (03/08/2018)



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