



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.14176 of 2018

S.Marichamy

...Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.
3. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
4. The Block Development Officer,
Kodaikanal Taluk,
Dindigul District.
5. Misty Mountain Owners Association,
represented by its Secretary,
Anna Ramasamy Nagar,
Naidupuram, Kodaikanal Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to remove the road paved by encroaching and interrupting the spring water source situated in Survey No.782/2 at Vilpatti Village, Kodaikanal Taluk, Dindigul District encroached by the fifth respondent with the help of the respondents 2 to 4 by taking necessary action against the respondents 2 to 5 on the basis of the petitioner's representation dated 29.01.2018 within a time frame to be stipulated by this Court.



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For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader
for R.1 to R.3
: Mr.M.Pandiya Rajan
Additional Government Pleader
for R.4

ORDER

(Order of the Court was made by M.DURAISWAMY., J)

The petitioner has filed the above writ petition as a Public Interest Litigation seeking for the issuance of a Writ of Mandamus directing the first respondent to remove the road paved by encroaching and interrupting the spring water source situated in Survey No.782/2 at Vilpatti Village, Kodaikanal Taluk, Dindigul District encroached by the fifth respondent with the help of the respondents 2 to 4 by taking necessary action against the respondents 2 to 5 on the basis of the petitioner's representation dated 29.01.2018 within a time frame.

2. According to the petitioner, there are 10 springs about 200 meters away from the resorts and guest houses constructed by the fifth respondent Association. According to the petitioner, the official respondents are trying to stop the stream by erecting an open well and provide the drinking water source of the public to the commercial purpose to help the fifth respondent Association. The petitioner has also stated that the respondents 1 to 4 are taking steps to establish a park nearby the above said pool. In these circumstances, the petitioner has filed the writ petition to direct the official respondents to remove the road paved by encroaching and interrupting the spring water source.

3. The petitioner himself has stated that the constructions were put up about 200 meters away from the spring. Apart from making allegations and averments in the affidavit, he has not substantiated the said allegations and averments by any means whatsoever. That apart, in one of the photographs produced by the petitioner, it could be seen that the fifth respondent had formed lay out and put up construction, after getting approval from the authorities. Even the LP/TDCP number has been mentioned in one of the photographs produced by the petitioner.

4. Mere averments in the affidavit is not sufficient to come to a conclusion that the allegations made by the petitioner in the affidavit filed in support of the petition are true and genuine. The petitioner has not made out a case for the issuance of a mandamus. In these circumstances, the writ petition is liable to



be dismissed. Accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.
3. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
4. The Block Development Officer,
Kodaikanal Taluk,
Dindigul District.

+ 1 cc TO Mr.I.Sam Jegan , Advocate in SR No. 73704
+ 1 cc TO The Special Government Pleader in SR No. 73849

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AE/SKN RSK/SAR1/27.07.2018/3P/7C

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