

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.8626 of 2019 and

W.M.P.No.9144 of 2019

R.Sundararaj

... Petitioner

v.

1 The District Collector,
Coimbatore District, Coimbatore.

2 The Deputy Director of Health Services,
219, Race Course Road,
Next to Saradambal Temple,
Race Course, Coimbatore - 641 018.

3 The Commissioner,
Coimbatore corporation Office,
Raja Street, Town Hall,
Coimbatore.

4 The Chief Engineer,
TWAD Board, Western Region,
46, Bharathi Park Road,
Coimbatore - 641 043.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Mandamus, directing the 4th respondent his men, agents or others from in any manner trespassing or interfering with the functioning of the Primary Health Centre in Survey No.291/1A2 A of an extent of one acre in Kalveerampalyam, Coimbatore District pursuant to the assignment of lands vide G.O.Ms.No.657, dated 11.07.1997.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr..S.Kamalesh Kannan,
Government Advocate - for R1 & R2

Mr.K.Magesh - for R3
Mr.R.Ganesh Babh - for R4

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the 4th respondent from trespassing or interfering with the functioning of the Primary Health Centre in Survey No.291/1A2 A of an extent of one acre in Kalveerampalyam, Coimbatore District, pursuant to the assignment of lands dated 11.07.1997.

2. It is the case of the petitioner that the 4th respondent and his subordinates are trying to trespass into the Primary Health Centre and are trying to construct one additional pump room.

3. The 3rd respondent filed a counter, wherein it has been stated that the proposed pump room is necessary to draw water from the sump, which is already in existence. Further, out of the total extent of one acre, 0.57 cents was allotted to Primary Health Centre and in the remaining extent, there is a sump and pump room for providing water facility to the residents of that locality.

5. Now, the respondents 3 and 4 are putting up additional pump room near the existing sump so as to draw water from the sump.

6. Since the 3rd respondent has specifically stated that out of an extent of one acre, only 0.57 cents was given to the Primary Health Centre and in the remaining extent, they are putting up additional pump room, we find no irregularity in constructing the sump room in the land belonging to the respondents. In such view of the matter, the Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

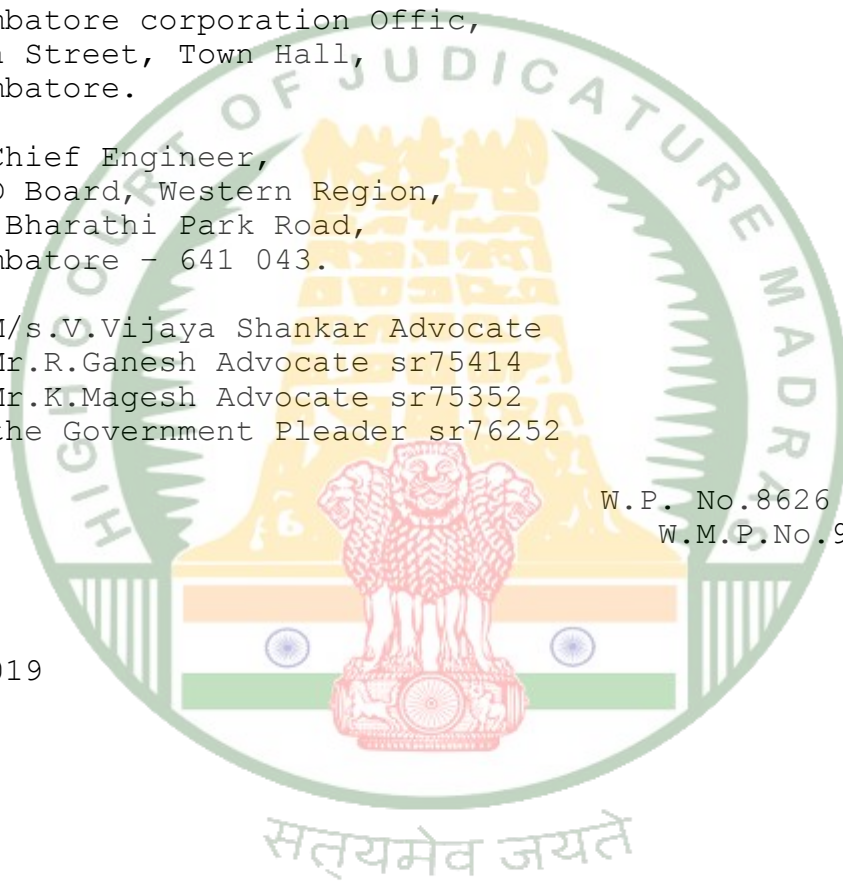
To

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+1 cc to M/s.V.Vijaya Shankar Advocate
+1 cc to Mr.R.Ganesh Advocate sr75414
+1 cc to Mr.K.Magesh Advocate sr75352
+1 cc to the Government Pleader sr76252

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