

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/4/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.12084 of 2019

S.Sivakumar ... Petitioner

Vs

1. The District Collector
Thiruvannamalai District.
2. The Block Development Officer
Anakkavoor
Cheyyar Taluk
Thiruvannamalai District. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to protect the Purisai Village Velalar Street Panchayat well by covering it with protective barbed wire to prevent any form of miscreants to the well and to ensure the usage of the well by the villagers without any hindrance or blockage of the pathway to the well as well in the street by dumping the construction materials affecting the free flow of ingress, egress to the well and the road traffic, by considering the representation dated 25/3/2019.

For petitioner . . . Mr.V.Vijayakumar

For respondents... Mr.E.Manoharan
Additional Government Pleader
for R.1

O R D E R

(Order of the Court was delivered by S.Manikumar,J)

Mr.S.Sivakumar, a practising lawyer of Madras High Court, has filed the instant public interest writ petition, to direct the respondents, to protect Purisai Village Velalar Street Panchayat well, by covering it with protective barbed wire, to prevent any form of miscreants to the well and to ensure usage of the well by the villagers, without any hindrance or blockage

of the pathway to the well as well in the street, by dumping the construction materials, affecting the free flow of ingress, egress to the well and the road traffic, by considering the representation, dated 25/3/2019.

2. Supporting the prayer sought for, petitioner has contended that he is a resident of Purisai Village, Cheyyar Taluk, Tiruvannamalai District, and owns a house in the said place. Petitioner has contended that one Ms.Rajeswari Thanikaivelan, is constructing a building near the well and her father is supervising the construction. As there is no source of water, for construction, they steal water from the Panchayat well through electricity motor fixed by the Village Panchayat.

3. On the complaint, Panchayat officials removed the electric motor set, from the well and kept it in the Panchayat Office. On 16/3/2019, Inspector of Police, Peramanallur Police Station, incharge of Cheyyar Police Station, trespassed into the petitioner's motor's house and his relatives houses and misbehaved with them. Petitioner has given complaints against the Inspector of Police for his high handed actions, but no action is taken. Inspector of Police, went to the Village Panchayat, threatened the Panchayat officials and illegally snatched the electric motor, which was used for water theft in the village well and handed over the same to R.Balasundaram and issued an acknowledgment also.

4. According to the petitioner, Police has no authority to recover the material from Panchayat officials and return the same to those who have committed theft of water. Petitioner has further contended that well is used by the villagers and now they are denied from taking water.

5. In the above circumstances, petitioner has sent a representation, dated 25/3/2019, to the District Collector, Tiruvannamalai District and the Block Development Officer, Anakkavoor, Cheyyar Taluk, Tiruvannamalai District, respondents 1 and 2 respectively, to take appropriate action, enabling the public to have free access to the well. Since the said representation has not been considered so far, petitioner has come forward with the instant writ petition, praying for the relief as stated supra.

6. Heard Mr.V.Vijayakumar, learned counsel for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader for the first respondent and perused the materials available on record.

7. Petitioner has already made complaints to the authorities, for taking appropriate action, so as to enable the

villagers, to take water from the well. Petitioner has not even impleaded the party, who is alleged to have taken water from the Panchayat village using motors. Just because allegations have been made against an individual, mandamus directing the respondents to protect Purisai Village Velalar Street Panchayat well by covering it with protective barbed wire to prevent any form of miscreants to the well and to ensure the usage of the well by the villagers without any hindrance or blockage of the pathway to the well as well in the street by dumping the construction materials affecting the free flow of ingress, egress to the well and the road traffic, cannot be granted.

8. Prayer is wholly misconceived. No mandamus of this nature can be issued. Writ petition is dismissed. If the Inspector of Police has threatened the petitioner's mother or his relatives, it is always open to him to pursue the remedy before the higher authorities or the concerned Court in the manner known to law. No costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
Thiruvannamalai District.
2. The Block Development Officer
Anakkavoor
Cheyyar Taluk
Thiruvannamalai District.

+1cc to Mr.V.Vijayakumar, Advocate, S.R.No. 42327
+1cc to the Government Pleader, S.R.No. 43060

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KK(CO)
GN(04/06/2019)