



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 03.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 11493 OF 2019

Pandi Thevar

.. Petitioner

- Vs -

1. The District Collector
Ramanathapuram District
Ramanathapuram.

2. The Tahsildar
Kadaladi Office, Ramanathapuram Dt.

3. Ramesh .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents 1 and 2 to take appropriate action against the 3rd respondent to prevent him from fetching water from the newly excavated well situate in land comprised in survey No.379/2 at S.Mariyur Village, Kadaladi Taluk, Ramanathapuram District and to close the same for the interest of public at large in the light of the order passed in W.P. (MD) No.14252 of 2017 dated 6.9.2017.

For Petitioner : Mr. S.Muthukumar

For Respondents : Mr. A.G.Baskarapandian,
1 & 2 Special Government Pleader

ORDER

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

The petitioner, on an earlier occasion, filed W.P. No.14252/2017 against the very same respondents praying for issuance of writ of mandamus directing respondents 1 and 2 to take appropriate action against the 3rd respondent to prevent him from fetching water from the newly excavated well situate in land comprised in survey No.379/2 at S.Mariyur Village, Kadaladi Taluk, Ramanathapuram District and to close the same in public interest.



2. A Division Bench of this Court, vide final order dated 6.9.17, allowed the writ petition with a direction to respondents 1 and 2 to ensure that the 3rd respondent does not commercially exploit the water source found in the said land. The petitioner, alleging violation of the said order, has come forward to file this writ petition.

3. In the considered opinion of this Court, the petitioner is having an effective alternative remedy and on this sole ground, this writ petition is not maintainable and, accordingly, the same is dismissed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The District Collector
Ramanathapuram District
Ramanathapuram.

2. The Tahsildar
Kadaladi Office, Ramanathapuram Dt.

+1CC TO MR.S.MUTHUKUMAR, Advocate Sr. No. 66770

W.P. (MD) NO. 11493 OF 2019

03.06.2019

NRK(CO)

TR (19.06.2019) 2P 4C