



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD).No.25591 of 2019

and

W.M.P. (MD)Nos.22164 and 22165 of 2019

Mupudathikumar @ Murali

... Petitioner

Vs.

The Block Development Officer,
(Village Panchayat),
Kadayanallur Panchayat Union Office,
Tenkasi District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notices vide Na.Ka.No.A5/314/2019 dated 21.08.2019 and Na.Ka.No.Aa3/1147/2019 dated 25.11.2019 on the file of the respondent and quash the same and consequently direct the respondent not to evict "Arulmighu Devi Shri Sivasakthi Naagakarumari Amman" situated in Pillaiayarkovil street, Sivarampetti Village, Kadayanallur Taluk, Tenkasi District.

For Petitioner

: Mr.R.Venkateswaran

For Respondent

: Mr.K.Mu.Muthu, AGP

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Venkateswaran, learned counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondent.

2.The petitioner is aggrieved by the notice issued by the respondent directing the removal of unauthorized construction on the top of the public well. The photographs would clearly shows that it is an encroachment.

3.In our considered view, nobody has got vested right to occupy the public well.

4.The learned counsel for the petitioner submitted that it is a holy well and deities are inside the well. In any event, nobody can claim an exclusive right over the public well. Therefore, the petitioner may be granted reasonable time to remove the offending structure.

5.In our opinion, two months time would be reasonable to remove the structure. If the petitioner failed to do so, the second



respondent shall remove it and recover the cost from the petitioner.

6. With this observation, this writ petition is dismissed. No Costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

mrn / pnn

To
The Block Development Officer,
(Village Panchayat),
Kadayanallur Panchayat Union Office,
Tenkasi District.

+1 CC to M/s.R.VENKATESHWARAN, Advocate (SR-103119[F]

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SMA/03/01/2020/2P/3C