

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.8416 of 2020

and

WMP No.10848 of 2020

Tiruvannamalai Mavatta Anaithu Vivasayigal Nala Sangam
Rep. by its Secretary
M.Jaisankar
Visvanathapuram Village
Alathur Post
Chengam Taluk
Tiruvannamalai District

Petitioner

vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Project Director,
District Rural Development Agency,
Tiruvannamalai.
4. The Block Development officer,
Pudupalayam,
Tiruvannamalai District.
5. The Panchayat President,
Karapattu Village Panchayat,
Karapattu Village,
Tiruvannamalai District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from digging a Community Well in Survey No.450/1A in Karapattu Village, Chengam Taluk, Tiruvannamalai in accordance with law.

For Petitioner : Mr.S.Pannerselvam

For Respondents : Mr.E.Balamurugan

Special Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus, forbearing the respondents from digging a community Well.

2.The petitioner is a Sangam which claims that there are already three existing Wells and if one more Well is dug, the farmers who are cultivating their lands in and around the place will be affected without water for irrigation purposes. Therefore, a protest petition was given to the RDO and a peace committee meeting was also held. The grievance of the petitioner Sangam is that even without awaiting the final decision of the RDO, hasty steps are being taken to dig a Well and therefore the present writ petition has been filed seeking for appropriate directions.

3.The learned counsel for the petitioner submitted that the 5th respondent is hellbent in digging the Well when there are already three Wells available in the locality. The learned counsel further submitted that an alternate place was suggested for digging the Well and this was also submitted before the RDO. Without awaiting the orders of the RDO and without taking the advise given by the RDO, hasty steps are taken to dig a community Well from 15.06.2020 onwards.

4.Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents submitted that admittedly the land in question belongs to the Government. The learned counsel further submitted that a decision was taken by keeping in mind the interest of all those who are residing in the village. The learned counsel further submitted that the project has to be undertaken under MGNREGS project and already the work is in the completion stage.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.In the considered view of this Court, the petitioner Sangam does not have any legal right to object to digging of a community Well in a Government property. The Well has been dug for the benefit of the entire community and there was no vested interest alleged in the present case. The only apprehension that has been raised by the petitioner Sangam is that by digging the Well, the ground water level will go down and as a result of the same, some of the farmers will not get water for irrigation purposes. This is an issue into which this court cannot go

into while deciding the writ petition. The petitioner Sangam had given its objections to the RDO and there was only a suggestion to dig the Well in some alternate site. This suggestion cannot be sought to be enforced more particularly since the petitioner Sangam lacks any legal right.

7.The relief sought for in the present writ petition cannot be granted by this Court more particularly since it was brought to the notice of this Court that the work has already commenced and it is in the stage of completion.

8.In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP
To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
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Karapattu Village Panchayat,
Karapattu Village,
Tiruvannamalai District.

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LN (CO)
RMP (24/07/2020)