

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15176 of 2017 and
W.M.P. Nos.16452 & 21416 of 2017

1.M.Sigamani Ammal
2.P.Valliathal

.. Petitioners

Vs.

1.The District Collector
Thiruppur District
Thiruppur

2.The Sub-Collector
Dharapuram Taluk
Dharapuram

3.The Block Development Officer
Dharapuram Taluk
Dharapuram

4.The Tahsildar
Dharapuram Taluk
Dharapuram

5.Special Officer
Chinnakkampalayam Panchayat
Dharapuram Taluk
Thirupur District

6.M.Mohankumar

.. Respondents

(amended as per order dated 06/02/2020
made in WMP 23145/2017 in WP 15176/2017)

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, their subordinates and men from installing a borewell nearer to petitioner's land situated in S.Nos.343/2B, 343/3 and 343/4 in Chinnakkampalayam Village, Dharapuram Taluk, Thiruppur District as it is contrary to Annexure-II of G.O.Ms. No.52 Public Works Department dated 02.03.2012.

For Petitioner : Ms.L.Parvin Banu
for M/s.Row & Reddy

For Respondents : Mr.R.S.Selvam,
Government Advocate
for R1, R2 & R4
Mr.P.S.Sivashanmugasundaram
for R3 & R5
Mr.N.Ponraj, for R6

ORDER

The present writ petition has been filed for a writ of mandamus, forbearing the respondents, their subordinates and men from installing a bore-well nearer to petitioner's land situated in S.Nos.343/2B, 343/3 and 343/4 in Chinnakkampalayam Village, Dharapuram Taluk, Thiruppur District, as it is contrary to Annexure-II of G.O.Ms. No.52 Public Works Department dated 02.03.2012.

2. At the time of admission on 16.6.2017, the petitioner obtained an order of status quo. In the meanwhile, sixth respondent, who is one of the villagers, has been impleaded by order dated 6.2.2020 made in W.M.P. No.23145/2017. The status quo already granted on 16.6.2017, was vacated on 18.8.2017, upon the representation of the Government that the third respondent, namely the Block Development Officer, had already dug the bore-well and has been supplying water to the villagers.

3. The third respondent also has filed a counter, in which, it is stated that, on 15.6.2017 itself, the digging was complete and supply of water had started. It is further stated that, the bore-well in question is 216 metres away from petitioner's land and hence it will not affect petitioner's agricultural activities as alleged in the affidavit filed in support of the writ petition. The present bore-well is also dug only in Government Poramboke land available in S.No.199/2 (Mayanam Poramboke near Kinnathur Thottam), as per the advice of the Expert Committee and in accordance with the guidelines laid down in G.O. Ms. No.52 Public Works Department dated 2.3.2012 and electricity service connection was also obtained.

4. In view of the above, the writ petition filed by the petitioner for the prayer sought for, has become infructuous and the same is dismissed. However, there shall be no order as to cost. Consequently, the connected writ miscellaneous petitions are closed.

Asr

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The District Collector
Thiruppur District
Thiruppur

2.The Sub-Collector
Dharapuram Taluk
Dharapuram

3.The Block Development Officer
Dharapuram Taluk
Dharapuram

4.The Tahsildar
Dharapuram Taluk
Dharapuram

5.Special Officer
Chinnakkampalayam Panchayat
Dharapuram Taluk
Thirupur District

+1cc to M/s Row and Reddy, Advocate SR.No.21561

+3cc to Gov. Pleader SR.No.10377, 22180, 22170

+1cc to Mr.N.Ponraj, SR No.22549

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spd(CO)
mst (27/05/2020)