

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7071 of 2021

M.Dayalan

... Petitioner

Vs.

1. The District Collector,
Vellore,
Vellore District.

2. The Block Development Officer,
Anaicut Panjayath Union Office,
Anaicut, Vellore District.

3. S.Salai Sivaselvam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the Respondents 1 and 2, their subordinates, agents etc from removing the public drinking water with bore well located on Sathumadurai to Pallikonda Highways Road(East to West) leftern side at Moolaigate Village, Velangadu Post, Anaicut Taluk, Vellore District.

For Petitioner : Mr.P.Ganapathy

For Respondents : Mr.V.Jayaprakash Narayanan

Spl. Government Pleader for R1 and R2

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner seeks to prevent Respondents 1 and 2 from removing the public drinking water facility with bore well on the Sathumadurai to Pallikonda Highways Road, at Moolaigate Village, Velangadu Post, Anaicut Taluk, Vellore District.

2. The Petitioner asserts that a public drinking water tank attached with a bore well is situated at Moolaigate Village, Sathumadurai to Pallikonda Highways Road, and that this drinking water source has been used by the people of the village for more than 50 years. It is alleged that the third Respondent herein has taken action to remove the public drinking water tank and

that the official Respondents have joined hands with him in this connection. In spite of issuing a lawyer's notice dated 23.01.2021, it is stated that the official Respondents have failed to take action.

3. The decision to locate a public drinking water facility at a particular location is a decision to be taken by the appropriate executive authorities after taking into consideration all material factors, including the accessibility thereof to a significant number of people residing in such locality.

4. Subject to the above observation, without examining the merits of the representation dated 23.01.2021, the second Respondent herein is directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to all parties affected thereby, including the third Respondent herein. Such reasoned order shall be passed within a period of six weeks from the date of receipt of a copy of this order. In view of the fact that the merits of the dispute have not been examined and because the second Respondent has been directed to hear the third Respondent before passing orders, the writ petition is being disposed of without notice to the third Respondent.

5. W.P.No.7071 of 2021 is disposed on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rrg

To:

1. The District Collector,
Vellore, Vellore District.
2. The Block Development Officer,
Anaicut Panjayath Union Office,
Anaicut, Vellore District.

+lcc to the Government Pleader, S.R.No.18012.

W.P.No.7071 of 2021

PMK(CO)
CSR 29.03.2021