

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No. 9342 of 2020

D.Khirubhaa Nathan

... Petitioner

Vs.

1. District Collector,
Vellore District,
Sathuvacheri,
Vellore - 9.

2. The District Revenue Officer,
Vellore District 632 001.

3. The Assistant Executive Engineer,
Agriculture Engineering Department,
Vellore District.

4. The Thasildhar,
K.V.Kuppam,
K.V.Kuppam Taluk.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 2 to 4 to restore the percolation pond in Survey No.482/1 at Mel Achukattu Village, Kalampattu, Katpadi Taluk, Vellore District to its original form and extent based on the representation dated 29.06.2020 of the petitioner and further direct them to mutate the particulars of the percolation pond in the revenue records.

For Petitioner

: Mr.C.D.Sugumar

For Respondents

: Mr. G.K.Muthukumar
Special Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

The grievance of the writ petitioner was that a waterbody at Kalampattu Village, Katpadi Taluk, Vellore was being attempted to be converted into a proposed sub-station.

2. A report has been filed by the District Collector, Vellore, indicating that a proposed electrical sub-station is, indeed, planned, but such sub-station would be quite a distance from the percolation pond and the percolation pond will not be affected by the proposed construction. An aerial photograph of the locality has been appended to the report. The area over which the proposed sub-station is to come up, appears to be at least 25 meter away from the edge of the percolation pond and even further away from the water that appears to have collected in the relevant pond.

3. The District Collector's report reveals that the percolation pond has been constructed in 2009-10 under artificial recharge scheme by the Agricultural Engineering Department. The percolation pond with its bund runs across a distance of 232 meter and at the deepest part, it has 8 meter of water, according to the report.

4. Since the pond is not intended to be disturbed by the sub-station, which is also required for the larger public interest, the present petition is disposed of by directing the respondent authorities, particularly the District Collector, to ensure that the percolation pond, as evident from the photograph appended to the report filed by the District Collector, is not disturbed in any manner whatsoever or the ability of water to percolate in the place is not compromised in the construction of the proposed sub-station, which should be at least 20 meter away from the edge of the percolation bond.

W.P.No.9342 of 2020 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kpl/vsi

To

1. District Collector,
Vellore District,
Sathuvacheri,
Vellore - 9.

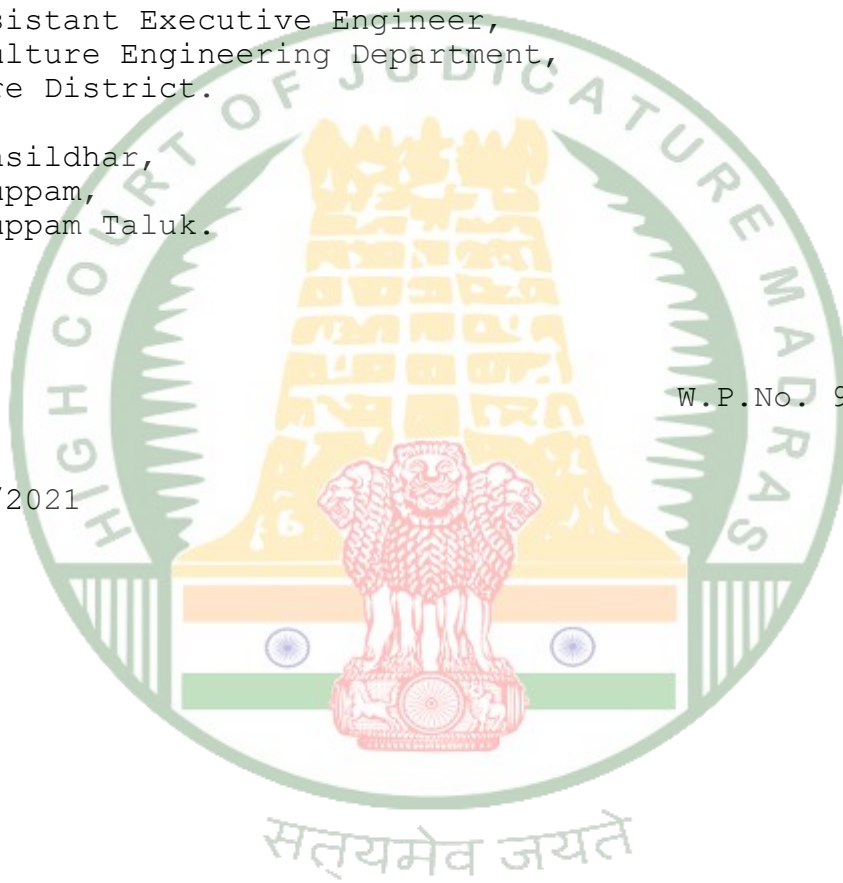
2. The District Revenue Officer,
Vellore District 632 001.

3. The Assistant Executive Engineer,
Agriculture Engineering Department,
Vellore District.

4. The Thasildhar,
K.V.Kuppam,
K.V.Kuppam Taluk.

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