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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13173 of 2021

S.Lakshmanan

... Petitioner

-Vs-

1. The District Collector
District Collector Office
Tiruvannamalai District.
2. The District Revenue Officer
District Collector Office
Thiruvannamalai District.
3. The Commissioner
West Arani Panchayat Union Office
Arani Taluk, Thiruvannamalai District.
4. The Village Administrative Officer
Village Administrative Office
Kannamangalam, Thiruvannamalai District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1st to 3rd to permit the petitioner to close the well situated in his patta land in Survey No.222/20, at Pillayar Kovil Street, Kannamangalam, Arani Taluk, Thiruvannamalai District by considering the petitioner's representation dated 29.01.2021.

For Petitioner : Mr. T.Meganathan

For Respondents : Mr.A.Selvendiran, Government Advocate
- for RR 1, 2 and 4
Mr.D.Ravichander - for R3



O R D E R

This writ petition has been filed for a writ of Mandamus directing the respondents to consider the representation made by the petitioner on 29.01.2021 wherein the petitioner has sought for permission to close down the well that is situated in his patta land.

2. The case of the petitioner is that the subject property was originally owned by his grandmother and her sister by virtue of a registered sale deed dated 01.06.1977. On the demise of the grandmother, the petitioner and other legal heirs were in possession and enjoyment of the property. The further case of the petitioner is that, in the year 2018, the other portion of the property was purchased by the petitioner from the sister of the petitioner's grandmother and necessary mutation was also carried out in the revenue records.

3. It is stated that there was a well in the subject property and it went dry due to water scarcity. The grievance of the petitioner is that the well is now being used to dump medical wastages, plastic papers and other household wastages, as a result of which, there is a lot of nuisance caused to the petitioner and his family members. When the petitioner attempted to close down the well, it was resisted by the Panchayat President on the ground that at one point of time the village people were permitted to take water from that well by the grandmother of the petitioner.

4. The petitioner therefore made a representation to the respondents on 11.11.2020 followed by another representation on 29.01.2021 requesting for closing down the well. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.T.Meganathan learned counsel appearing for the petitioner, Mr.A.Selvendiran, learned Government Advocate appearing for respondents 1, 2 and 4 and Mr.D.Ravichander, learned counsel appearing for the third respondent.

6. This Court has carefully considered the materials placed on record and also the submissions made on either side. It is seen that the well is located in the subject property that belongs to the petitioner. At one point of time, water was available in the well and the village people were permitted to take water from the well by the grandmother of the petitioner. Subsequently, the well has gone dry and it is now virtually being used as a dumping place. Since the petitioner and his family members are facing lot of nuisance, they want to close down the well. Since there was some resistance, the petitioner



also made a representation to the respondents seeking for permission to close down the well.

7. Taking into consideration the facts and circumstances of the case, there shall be a direction to the third respondent to consider the representation made by the petitioner on 29.01.2021 and direct an inspection to be conducted by officers belonging to the Panchayat Union. If the well has gone dry and it is now being used only as a dumping place, necessary permission shall be granted to the petitioner to close down the well. Ultimately the open well should not lead to any further complications and rather it will be more appropriate if it is closed, to ensure the safety of the residents in the locality. Dumping waste in the well will only cause nuisance to persons living in the locality. A decision in this regard shall be taken by the third respondent within a period of four weeks from the date of receipt of a copy of this order. If the third respondent, during the course of enquiry, finds that there are any other interested persons, their views shall also be taken before taking a decision.

8. The petitioner shall make a fresh representation to the third respondent along with all the relevant documents and also a copy of this order. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CO-IX)

//True Copy//

Sub Assistant Registrar

KST

To

1. The District Collector
District Collector Office
Tiruvannamalai District.
2. The District Revenue Officer
District Collector Office
Thiruvannamalai District.
3. The Commissioner
West Arani Panchayat Union Office
Arani Taluk, Thiruvannamalai District.



4. The Village Administrative Officer
Village Administrative Office
Kannamangalam, Thiruvannamalai District.

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+1cc to Mr.T.Meganathan, Advocate, S.R.No.38671
+1cc to the Government Pleader, S.R.No.38464,38476

W.P.No.13173 of 2021

PCH (CO)
CT (23/08/2021)