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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. 14455 of 2021 and
WMP No.15340/2021

S.Joseph

...Petitioner

Vs.

1.The District Collector,
Master Plan Complex NH 205
Chennai - Tiruttani Highway
Tiruvallur 602 001

2.The Assistant Director of Village Panchayat,
Tiruvallur 602 001.

3.The Block Development Officer (Regular)
Poonamallee Block,
Tiruvallur District.

4.The Block Development Officer (Scheme)
Poonamallee Block
Tiruvallur District.

5.The President,
Nemilicheri Village Panchayat,
Thiruninravur

...Respondents

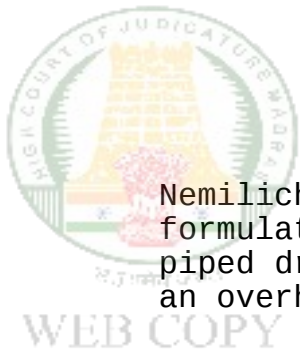
Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to forbear the respondents from constructing the overhead water tank on the playground of the Government Higher Secondary School Nemilicheri.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.A.Selvendran for R1 to R3
Government Advocate
Mr.V.Veluchamy for R4 & R5

O R D E R

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from constructing the overhead water tank on the playground of the Government Higher Secondary School, Nemilicheri.



2.The petitioner is the elected ward member of Nemilicheri Village Panchayat. The Central Government has formulated a scheme named as Jal Jeevan Mission for providing piped drinking water to all rural households. Under this scheme, an overhead water tank was allotted to the Village Panchayat.

3.The grievance of the petitioner is that three places were identified for the purpose of constructing an overhead water tank and instead of putting up the water tank in any of these places, the respondents decided to construct the overhead water tank in the playground of the Government Higher Secondary School. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The fourth respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

“10.I respectfully submit that the Adangal Extract issued by the Village Administrative Officer No.2, Nemilicheri village, Avadi Taluk clearly indicate that the land where the construction is commenced in a land classified as Meikal poramboke belonged to the Government. The adangal extract clearly distinguishes the land meant for Community hall, Library Building as well as the school building. Thus, the construction has no nexus to the school building and it is being constructed in a separate land. Therefore, the apprehension of the petitioner has to be allayed. In any event, when the District Collector has accorded administrative sanction in his proceedings dated 13.01.2021, the petitioner is not entitled to maintain this writ petition for issuance of a writ of mandamus. The contentions raised by the petitioner as if the construction is being constructed without any administrative sanction by the District Collector is therefore, liable to be rejected.

11. I humbly submit that the overhead water tank will immensely benefit the adjacent villagers. This construction is being undertaken under the JJM scheme mooted by the Central Government to put an end to water crisis faced by the villagers. This is a public project intended to benefit the villagers at large and the petitioner has no locus standi to file this writ petition and to stall the public project. The representations sent by the petitioner to the official respondents cannot be considered inasmuch as the project has already commenced



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pursuant to the resolution passed by the Village Panchayat and the subsequent administrative sanction accorded by the District Collector, Thiruvallur on 13.01.2021. In such view of the matter, it is most humbly prayed by this respondent that the writ petition has been filed without any valid reasons. The apprehension of the petitioner has no basis and therefore, the writ petition has to be dismissed."

5. Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 3 and the learned counsel for the respondents 4 and 5.

6. The learned counsel appearing on behalf of the fourth and fifth respondents submitted that the places that were identified for the construction of the overhead water tank was not suitable to put up the construction. It was further submitted that the overhead tank is now being constructed in a land classified as Meikkal poramboke and this land has absolutely nothing to do with the school and the playground. In order to substantiate the said submission, the learned counsel also placed reliance upon the letter issued by the Headmaster of the school dated 19.07.2021, wherein, the Headmaster has specifically stated that the overhead tank is not being constructed inside the school premises. It was also further brought to the notice of this Court that the construction has already commenced and it is a public project intended to benefit the villagers and there is absolutely no ground to entertain this writ petition.

7. In the considered view of this Court, the construction of the overhead tank is now carried out in a poramboke land belonging to the Government and a specific stand has been taken to the effect that this land does not fall within the school premises. Even the Headmaster of the school has given a letter to that effect. Choice of place to construct an overhead tank is an administrative decision and this Court cannot sit on judgment over such administrative decisions. This Court does not find any ground to interfere with the construction of the overhead tank in the Meikkal poramboke that has been identified by the 4th and 5th respondents and the construction can go on and ultimately the same should benefit the persons in and around the locality.

8. In the result, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar



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4.The Block Development Officer (Scheme)
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Tiruvallur District.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.38257

+1cc to the Government Pleader, S.R.No.38406

W.P.No.14455 of 2021

PCH(CO)
SB(25/08/2021)