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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

WRIT PETITION NO.21062 OF 2021
&
W.M.P.NO.22322 OF 2021

Dr.K.Sundarraj ... Petitioner

.Vs.

1. The Government of Tamil Nadu,
   Rep. by the Secretary to Government,
   Panchayat & Town Panchayat Department,
   Fort.St.George,
   Chennai-9.

2. The District Collector,
   Cuddalore District Collector Office,
   Manjakuppam, Cuddalore.

3. The Tahsildar,
   Bhuvanagiri Taluk,
   Bhuvanagiri,
   Cuddalore District.

4. The Panchayat Development Officer,
   Bhuvanagiri Union Office,
   Bhuvanagiri.

5. The President,
   Uluthur Panchayat,
   Bhuvanagiri Taluk,
   Cuddalore District. ... Respondents

PRAYER:-

Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take action on the representation dated 12.8.2021 and consequently direct the respondents to stop the construction of Neerththar Ninaivukoodam (Karuma Karia Koodam) at Vachani

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Amman Public Tank of Uluthur Village.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents : Mr.P.Muthukumar
Government Pleader

Order of the Court was made by T.S.SIVAGNANAM,J

We have heard Mr.I.Arockia Selvaraj, learned counsel appearing for the petitioner and Mr.P.Muthukumar, learned Government Pleader accepting notice for the respondents.

2. This writ petition, styled as a public interest litigation, has been filed by a practising advocate of this Court seeking a direction to the respondents to take action on the representation dated 12.8.2021 and consequently direct the respondents to stop the construction of Neerththar Ninaivukoodam at Vachani Amman Public Tank of Uluthur Village.

3. According to the petitioner, if such a construction is put up, it will affect the water body and the catchment area for the pond is likely to be reduced.

4. It is submitted that just opposite to the construction area, there is a Government poramboke land measuring an extent of 0.01114 sq.meters in S.F.No.82/1A, which would be an appropriate area where the construction can be put up.

5. The petitioner is also present in court and he submits that he hails from the said village and he along with other local villagers submitted a representation dated 12.8.2021 in person in the office of the District Collector.

6. However, no acknowledgment or proof of the representation having been submitted to the office of the District Collector has been filed before us. Be that as it may, if it is a water body, every endeavour should be made to protect the water body and putting up construction inside the water body, which is likely to hamper the catchment area, should be prevented. The construction, which is being put up, is for performing the last rites of the kith and kin of the deceased and as per the custom and practice prevailing in the State, such rituals are performed on the banks of the water bodies, rivers, etc.

7. In any event, the Authorities shall ensure that flow of water into the tank is not affected on account of construction and if, in the opinion of the second respondent, any alteration

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in the type of construction requires to be made, the same shall be considered.

8. In the light of the above, we dispose of the writ petition by directing the second respondent to look into the grievance of the petitioner and take a conscious decision in accordance with law. It is needless to state that the second respondent shall pass appropriate orders to ensure that free flow of water to the tank is not affected.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
   Panchayat & Town Panchayat Department,
   Fort.St.George, Chennai - 9.

2. The District Collector,
   Cuddalore District Collector Office,
   Manjakuppam, Cuddalore.

3. The Tahsildar,
   Bhuvanagiri Taluk,
   Bhuvanagiri,
   Cuddalore District.

4. The Panchayat Development Officer,
   Bhuvanagiri Union Office,
   Bhuvanagiri.

5. The President,
   Uluthur Panchayat,
   Bhuvanagiri Taluk,
   Cuddalore District.

+2ccs to Mr.I.Arockia Selvaraj, Advocate, S.R.No.52191
+1cc to the Government Pleader, S.R.No.52325

W.P.NO.21062 OF 2021 &
W.M.P.NO.22322 OF 2021

SJ(CO)
PBS/07/10/2021

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