



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.13390 of 2021

and W.M.P. (MD) No.10378 of 2021

K.Rangasamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

3.The Block Development Officer,
(Village Panchayats),
Kalayarkovil Panchayat Union,
Sivagangai District.

4.The President,
Kattendhal Sukkanoorani Village Panchayat,
Kalayarkovil Panchayat Union, Sivagangai District.

5.Kannan

... Respondents

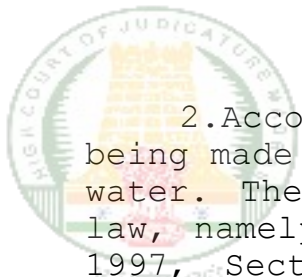
Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondents from granting any permission for making any constructions adjacent to the Oorani situated at Survey No.53/1 at Soosaiyappattinam Village, Pallivayal Village Group, Kalayarkovil Taluk, Sivagangai District.

For Petitioner	: Mr.V.Kannan
For Respondent Nos.1	: Mr.M.Ramesh
to 4	Government Advocate
For 5 th Respondent	: Mr.J.Jeyakumaran

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The petitioner, who is an Advocate by profession, has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, forbearing the Respondent Nos.1 to 4 from granting permission for making constructions adjacent to the Oorani situated at Survey No.53/1 at Soosaiyappattinam Village, Pallivayal Village Group, Kalayarkovil Taluk, Sivagangai District, in favour of the fifth respondent.



2.According to the petitioner, the alleged construction is being made within 15 metres from the Oorani, which would pollute the water. The petitioner had floated all the relevant provisions of law, namely, Rule 3(1) of the Tamil Nadu Panchayat Building Rules, 1997, Section 8 of the Tamil Nadu Water Sources (Conservation, Development and Management) Act, 2002, Rule 7 of the Tamil Nadu Municipalities Building Rules, 1972 and also Article 47 of the Constitution of India.

3.Excepting the petitioner, who has made this objection and finding certain violation of the aforesaid referred provisions, others have not raised any objections. Mr.M.Ramesh, learned Government Advocate appearing for respondent Nos.1 to 4, had filed a typed set of papers, in which, the proceedings of the President of Kattendhal Sukkanoorani Village Panchayat, dated 03.06.2021 is produced. The above proceedings granted permission to the fifth respondent for construction of buildings, which should be completed on or before 02.06.2023. Further, the learned Government Advocate contended that there is a distance of 31 metres from the alleged construction and the Oorani and that it is well beyond the prohibited zone. The learned counsel appearing for the fifth respondent also produced the building plan approval granted for the proposed construction.

4.From the above referred documents, it appear that Writ Petition has been filed only due to personal dispute with the fifth respondent. After the Writ Petition was filed, the fifth respondent was directed to stop construction and the construction is upto the basement level. In view of above facts, we find there is no public interest involved and there is also no violation of any of the building rules as the fifth respondent has obtained necessary approval from the appropriate authorities. We are only concerned about the drainage water let out to the Oorani and the fifth respondent is directed to make appropriate provision for the sewerage water from his residence.

5.In the light of the above observations, there is no merit in the Writ Petition and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

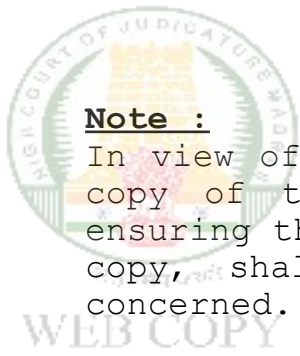
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

sj



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The District Collector,
Sivagangai District,
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Sivagangai District.
- 4.The President,
Kattendhal Sukkanoorani Village Panchayat,
Kalayarkovil Panchayat Union,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-36020[F] dated 26/11/2021)

W.P (MD) No.13390 of 2021

25.11.2021

SJ (CO)

GC (07.12.2021) 3P 6C