



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.9000 of 2020

and

W.M.P.No.10941 of 2020

M. Subramani

.....Petitioner

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.
4. The Block Development Officer,
(At Ekkadu)
Thiruvallur District 602 021.
5. The Chief Engineer,
Public Works Department,
WRO, Operation and Maintenance and
Inter State Waters,
Chepauk, Chennai-600 005.
6. The Superintending Engineer,
Public Works Department,
WRO, Palar Basin Circle,
Chennai-600 005.
7. The Executive Engineer,
Public Works Department,
Kosathalayar Basin Division,
Thiruvallur.



WEB COPY

8. The Assistant Executive Engineer,
Public Works Department,
Kosathalayar Basin Division,
Thiruvallur.

9. The Assistant Engineer, (Addl/C)
Public Works Department,
Pasana Pirivu-I, NI.Aa.Thu.,
Thiruvallur.

10. G. Velu

(R10 impleaded vide order of this Court dated 25.01.2022
made in WMP.13534/2020 in W.P.9000/2020)

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant necessary permission/pass appropriate orders to utilize the common place as approach pathway for the petitioner's property situated in Survey No.41/7, Pakkam Village, Thiruvallur Panchayat Union and District for the petitioners ingress and egress to the petitioner's own land and house situated in Old Survey No.41/2 Pt.New Survey No.41/11 & 12 of the same village, demarcate the boundaries on the four side on the basis of the petitioner's documents and records by giving opportunity on issuing proper notice of survey to the petitioners by laying comer stones on all the four sides, thereby consequently, have proper survey in the Alathoor Earivaikel (Canal) running towards the pond and the Alathoor Eari and the silt field in vaikal situated at 41/16, not to install the over head tank in the lands utilized by the petitioner's approach pathway in Survey No.41/7 and in vaikal Survey No.41/16 and the proposed over head tank may be installed in adjacent Government lands as already identified or any other suitable nearby place, pursuant to the petitioner's representation 01.11.2019, proceedings in letter No.125/Pa.Pi./2019 dated 20.09.2019.

For petitioner : Mr. N. Sudharsan

For Respondents : Mrs. C. Sangamithirai,
Special Government Pleader

: Mr. K. Balu for R10
(Impleaded respondent)



WEB COPY

ORDER

The petitioner has filed this petition restraining the respondents from putting up any overhead tank in the common pathway which is being utilized by the petitioner.

2. When the matter is taken up for hearing, a memo has been filed on behalf of the Government stating that neither any overhead tank is constructed nor is there any proposal to construct a overhead tank in the place mentioned by the petitioner. Therefore filing of Writ Petition on mere apprehension of the petitioner is not sustainable.

3. A perusal of the Counter affidavit placed before this Court reveals that this Writ Petition has been filed by the petitioner on mere apprehension, which cannot be entertained. Recording the statement of the learned Additional Government Pleader appearing for the respondents, nothing survives for adjudication in this matter.

4. Accordingly, this Writ Petition is closed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

NHS

To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
- 3.The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.



4.The Block Development Officer,
(At Ekkadu)
Thiruvallur District 602 021.

5.The Chief Engineer,
Public Works Department,
WRO, Operation and Maintenance and
Inter State Waters,
Chepauk, Chennai-600 005.

6.The Superintending Engineer,
Public Works Department,
WRO, Palar Basin Circle,
Chennai-600 005.

7.The Executive Engineer,
Public Works Department,
Kosathalayar Basin Division,
Thiruvallur.

8.The Assistant Executive Engineer,
Public Works Department,
Kosathalayar Basin Division,
Thiruvallur.

9.The Assistant Engineer, (Addl/C)
Public Works Department,
Pasana Pirivu-I, NI.Aa.Thu.,
Thiruvallur.

+lcc to M/s.D.Suriyanaranan, Advocate SR.No.4255

+lcc to Mr.M.Subramani, Advocate SR.No.5096

+lcc to the Government Pleader, SR.No.4708

W.P.NO.9000 of 2020

SR-II (CO)
CB (23/03/2022)