



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.15174 OF 2022

1. S.Palanisamy
2. C.Devi

.. Petitioners

-Vs-

1. The District Collector,
Erode District,
Erode - 638 011.
2. The Tahsildar
Taluk Office,
Bhavani, Erode District.
3. The Village Administrative Officer,
Chinnapuliyur,
Bhavani Taluk, Erode District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to dispose of the representations of the petitioners dated 04.04.2022 and 10.05.2022 seeking permission for further digging well in the petitioners' patta land in Survey No.49/1B situated in Chinnapuliyur Village, Bhavani Taluk, Erode District.

For Petitioner	:	Mr.S.Kaithamalai Kumaran
For Respondent	:	Mr.S.J.Mohammed Sathik, Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to grant permission for further digging of the well in the petitioners' patta land in Survey No.49/1B situated in Chinnapuliyur Village, Bhavani Taluk, Erode District, based on the petitioners' representations dated 04.04.2022 and 10.05.2022.



2.The petitioners desire to deepen the existing well in the aforementioned property. The petitioners state that though there is no permission to be required for deepening the well, which is located in their patta land, the 3rd respondent has prevented them from deepening the well in their patta land on the ground that there are white stones (minerals) found in the said well. The petitioners have given representations on 04.04.2022 and 10.05.2022 to the respondent requesting for grant of permission to deepen the well in their property. The said representation has not been considered till date. Under such circumstances, the petitioners have filed this writ petition.

3.Heard Mr.S.Kaithamalai Kumaran, learned counsel for the petitioners and Mr.S.J.Mohammed Sathik, learned Government Advocate accepts notice on behalf of the respondents.

4.Learned counsel for the petitioners drew the attention of this Court to the orders passed by this Court on 19.01.2017 in WP(MD).No.227 of 2017 and on 11.07.2017 in W.P.(MD).No.12363 of 2017, in identical set of facts and would submit that in those matters, the respondents were directed to grant permission for deepening the well and in case, while digging the well if it is found that there are minerals in the well, the respondents were granted liberty to take action. Learned counsel for the petitioners seeks for similar directions in this case also.

5.Admittedly, the land belongs to the petitioners and it is a patta land and the well is found there. As on date, there is no evidence to show that there are white stones(minerals) in the said well. Therefore, the petitioners are also similarly placed as that of the petitioners in the aforesaid writ petitions where orders were passed directing the respondents to grant permission for deepening the well. No prejudice would be caused to the respondents if the petitioners' representations dated 04.04.2022 and 10.05.2022 seeking permission for deepening the well in their property is considered on merits and in accordance with law.

6.Learned Government Advocate appearing for the respondents has also not raised any serious objection for such a direction being issued by this Court.

7.For the forgoing reasons, this Court directs the 2nd and 3rd respondents to consider the petitioners' representation dated 04.04.2022 and 10.05.2022 seeking permission for deepening the well found in their patta land in S.No.49/1B situated in Chinnapuliyur Village, Bhavani Taluk, Erode District, and pass final orders on merits and in accordance with law after



affording a fair hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Erode District,
Erode - 638 011.
2. The Tahsildar
Taluk Office,
Bhavani, Erode District.
3. The Village Administrative Officer,
Chinnapuliyur,
Bhavani Taluk, Erode District.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.37570

+1cc to the Government Pleader, S.R.No.38249

W.P.No.15174 of 2022

GPL(CO)

RLP(28/06/2022)