

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15704 of 2022

K.Ramkumar

..Petitioner

-Vs-

The District Collector,
O/o Salem District Collector,
Salem.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 15.05.2022 to close the dry well situated at No.1/20, Mariamman Kovil Street, Inam Vedagathampatti, Salem - 636307 within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.B.Vijay,
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to close the dry well situated in the petitioner's property at No.1/20, Mariamman Kovil Street, Inam Vedagathampatti, Salem - 636307, based on the petitioner's representation dated 15.05.2022, within the time frame to be fixed by this Court.

2. Heard Mr.M.Sathish Kumar, learned counsel for the petitioner. Mr.B.Vijay, learned Additional Government Pleader accepts notice on behalf of the respondents.

3. Learned Additional Government Pleader appearing for the respondents would submit that there is no prohibition for the petitioner to close the dry well situated in his property and there is no necessity for seeking permission from the respondent for closing down the well. He would also point out that in paragraph No.3 of the affidavit filed in support of the writ petition, the petitioner has categorically stated that the

well is situated in his own property. However, learned counsel for the petitioner would submit that the neighbours of the property are preventing the petitioner from closing down his well. No reasons have been given in the affidavit filed in support of the writ petition as to why the neighbours are preventing the petitioner from closing down the well which is situated in his property.

4. Therefore, this Court is of the considered view that since the well is situated in the petitioner's property, the representation of the petitioner dated 15.05.2022 seeking permission from the respondent is unwarranted. Since the well is situated in the petitioner's property, this Court permits the petitioner to close down the well on his own as no permission is required from the respondent.

5. With the aforesaid observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vsi

To

The District Collector,
O/o Salem District Collector,
Salem.

+1cc to the State Government Pleader, S.R.No.39297

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GSM(CO)
SB(11/07/2022)