



W.P(MD)No.22241 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22241 of 2018

S.Chandrasekaran

... Petitioner

VS.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Block Development Officer,
Kuruthancode Panchayat Union,
Kanyakumari District.

3.Manikanda Eswaradhas

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondents to take appropriate steps to restore the well situated at Survey No.460/21, Kattimancode Village, Kanyakumari District so as to enable the general public to use the water from the same and to take action against the third respondent for the illegal activities of closing the well by considering the representation of the petitioner, dated 09.08.2018 within a stipulated time fixed by this Court.



W.P(MD)No.22241 of 2018

WEB COPY

For Petitioner : Mr.S.C.Herold Singh
For R - 1 : Mr.S.P.Maharajan
Special Government Pleader
For R - 2 : M/s.B.Bhagavathi
For R -3 : Mr.V.M.Jagadeesha Pandian

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the first and second respondents to take appropriate steps to restore the well situated at Survey No.460/21, Kattimancode Village, Kanyakumari District, so as to enable the general public to use the water from the same and to take action against the third respondent for the illegal activities of closing the well, by considering the representation of the petitioner, dated 09.08.2018 within a time frame.

2.The learned counsel appearing for the petitioner submitted that drinking water is supplied to Keelakattimancode, Varthaga Nadar Kudiruppu and Arasarkonam Villages from the above said Well for the past 50 years. While so, the third respondent, without obtaining any permission from the



W.P(MD)No.22241 of 2018

WEB COPY

first respondent and other officials, closed the said Well on 19.02.2018.

Hence, the petitioner sent a representation dated 20.02.2018 and also reminder, dated 09.08.2018 to the respondents 1 and 2, to take appropriate steps to restore the well. As there was no response, the petitioner has filed the present Writ Petition.

3.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for all the respondents.

4.A perusal of the counter-affidavit filed by the second respondent shows that the closure of the well was executed, duly following all the existing/stipulated norms, in this regard and under the supervision of concerned authorities, by taking into consideration the safety of children in the nearby Anganwadi and the best interests of the general public of the Village and because of the closure of the above said well, there is no scarcity of water in the said Village.

5.In view of the specific averments made in the counter-affidavit filed by the second respondent that by considering the larger public interest, the above said well was closed and that there is no scarcity of water



W.P(MD)No.22241 of 2018

WEB COPY

because of the closure of the well, this Writ Petition is closed with liberty to the petitioner to approach the authorities concerned, to redress his grievance, if any, with regard to his claim for storage of rain water. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
19.09.2022

Index : Yes / No

Internet : Yes

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To

- 1.The District Collector,
Collectorate Office,
Trichy.
- 2.The Secretary,
The Public Welfare Department,
Trichy.



WEB COPY



W.P(MD)No.22241 of 2018

R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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