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W.P.No.19412 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 4.1.2023

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.19412 of 2015
and M.P.No.1 of 2015

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Petitioner

Vs.

- 1 The District Collector,
Namakkal District, Namakkal.
- 2 The Revenue Divisional Officer,
Trichengode, Namakkal District.
- 3 The Tahsildar,
Trichengode Taluk, Namakkal District
- 4 The Block Development Officer,
Elachipalayam, Namakkal District.
- 5 The President,
Periamanalai Panchayat Board, Periamanalai
Elachipalayam Union, Namakkal District ...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 5th respondent in order No.1/2015 dated 20.6.2015 and quash the same.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents 1 to 3 : Mr.N.Naveen Kumar, G.A.
For Respondents 4 & 5 : No appearance



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ORDER

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Challenge in the writ petition is against the notice issued by the 5th respondent dated 20.6.2015 to close down the Well situate in the patta land of the petitioner within 7 days of the receipt of the impugned notice.

2. It is brought to the notice of this Court that subsequent to the issuance of the impugned notice, in a Public Interest Litigation filed in W.P.No.24830 of 2015, the Hon'ble First Bench of this Court has also directed the Revenue authorities to take appropriate steps for removal of nuisance in accordance with law. Pursuant to the said direction, proceedings has been initiated under Sec.142 of Cr.P.C. by the District Collector to remove the nuisance and the same is also challenged in W.P.No.29459 of 2015 wherein this Court by order dated 18.1.2019 taking note of the fact that a compound wall has already been constructed around the Well, and as on today the Well is protected and there is no scope for any nuisance caused to any of the persons in the locality, set aside the impugned order passed by the respondent under Sec.142 of Cr.P.C.

3. As the Well is already protected by constructing a compound wall, impugned notice issued by the 5th respondent stating that the Well is now under dilapidated condition and the same has to be closed, is unsustainable and the same is quashed.



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4. Accordingly, the writ petition is allowed. No costs. Connected

miscellaneous petition is closed.

4.1.2023

Speaking/Non Speaking order

Neutral citation: Yes/No

Index: Yes/No

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To

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- 3 The Tahsildar, Trichengode Taluk, Namakkal District
- 4 The Block Development Officer, Elachipalayam, Namakkal District.
- 5 The President, Periamanali Panchayat Board, Periamanalai
Elachipalayam Union, Namakkal District



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N.SATHISH KUMAR, J.

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