



W.P.No.12155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12155 of 2023

A.Venkatesan

...Petitioner

Vs

1. The District Collector,
Kancheepuram,
Kancheepuram District 631 501.

2. The Thasildhar,
Uttiramerur Taluk,
Kancheepuram District 603 406.

3. The Block Development Officer,
Uttiramerur Taluk,
Kancheepuram District 603 406.

4. The Village Administrative Officer,
Ozhaiyur Village,
Kancheepuram District 603 107.

5. The Panchayat President
Ozhaiyur Village,
Kancheepuram District 603 107.

...Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 and 2 to stop and remove the pre-construction work for installing the R.O.Water Plant carried on by the 5th Respondent without any authority, and restore the 'Nerkalam' to its original status by removing all the foreign objects dumped on the 'Nerkalam' within a stipulated period.

For Petitioner : Mr.M.K.Bhoopathy Rajan
For Respondents : Mr.A.M.Ayyathurai (for R1 to R4)
Government Advocate

Ms.S.Anitha (for R5)
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus forbearing the respondents from putting up / installing the R.O Water plant in Survey No.103/13 at Ozhaiyur Village, Uthramerur Taluk, Kancheepuram District.

2. The case of the petitioner is that the property in



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Survey No.103/13 measuring an extent of 19 cents in Ozhaiyur Village belongs to Arulmigu Vembudaya Amman Thirukoil. This place is used as a Nerkalam / Thrashing Floor for paddy and other crops by the agriculturists. The grievance of the petitioner is that the 5th respondent is attempting to install the R.O plant in this survey number which according to the petitioner will adversely affect the interest of the agriculturists and further the 5th respondent does not have the right to encroach upon a temple land and install the R.O Plant.

3. The learned Government Advocate appearing on behalf of respondents 1 to 4 based on written instructions submitted that the R.O plant is going to be installed only at Survey No.207/18 at Ozhaiyur Village. The learned Government Advocate submitted that this land has been categorized in the revenue records as “Grama Natham Poramboke”. It was further submitted that survey No.103/13 belongs to the temple and there is no proposal to install the R.O plant in this survey



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number. The written instructions received by the learned Government Advocate was also placed before this Court.

4. Recording the submissions of the learned Government Advocate and taking note of the written instructions, it is made clear that the R.O plant that is proposed to be installed by the 5th respondent shall be done only at Survey No.207/18 as was confirmed to this Court. In such an event, the petitioner cannot have any grievance.

5. This writ petition is disposed of accordingly. No costs.

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To

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Kancheepuram District 631 501.
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