



W.P.No.26777 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.No.26777 of 2023

J.Raja Ram

.. Petitioner

Vs.

1. The District Collector
District Collectorate
Chengalpattu District.
2. The Block Development Officer
Kattangulathur Panchayat Union Office
Chengalpattu District.
3. The President
Pulipakkam Panchayat
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent herein to consider the petitioner representation dated 17.10.2022 seeking action against the encroachment made by the third respondent herein constructing water well in Survey No.157 at Pulipakkam Village, Chengalpattu Taluk & District, which is earmarked for the purpose of park admeasuring to an extent of 22147 sq ft.



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For the Petitioner : Mr.G.Magesh Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R1 & R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.Magesh Kumar, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 & 2.

2. Learned counsel for the petitioner submits that the subject writ land is an open space, gifted to the Panchayat. In a part of the writ land, the third respondent has constructed a well. The same is not permissible and the same amounts to an encroachment.

3. Construction of a well for public purpose would not be an encroachment. The petitioner may approach the first respondent and if the first respondent arrives at a conclusion that a well cannot be



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constructed in an open space, then the first respondent may take further course of action in accordance with law.

4. With these observations, the writ petition stands disposed of.

There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No

drm

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(drm)

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