



W.P.No.17517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.17517 of 2023
and W.M.P.No.16654 of 2023

The President,
Gundalpatty Village Panchayat,
Rep. by Roja Kaliappan, F/63 Years,
W/o.Kaliappan,
Gundalpatty Village,
Krishnagiri Taluk & District.

... Petitioner

VS.

- 1.The Inspector of Panchayat-cum-District Collector,
Krishnagiri District, Krishnagiri.
- 2.The Additional Directorate of Town Panchayats,
Krishnagiri, Krishnagiri District.
- 3.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri District.
- 4.The Block Development Officer (Village Panchayats),
Kveripattinam Panchayat Union,
Kaveripattinam, Krishnagiri District.
- 5.The Executive Officer,
Kaveripattinam Town Panchayat,
Krishnagiri District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondent No.5 from constructing the water tank in S.No.489/1 in Gundalpatty Village, Krishnagiri Taluk and District.

For Petitioner : Mr.Paramasivadoss
for Mr.J.Pradeep

For R1 to R3 : Mr.N.Naveenkumar
Government Advocate

For R4 and R5 : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The petitioner herein seeks issuance of Writ of Mandamus forbearing the 5th respondent from constructing water tank in S.No.489/1 in Gundalpatty Village, Krishnagiri Taluk and District.

2. It is the case of the petitioner that the land in S.No.489/1 with an extent of 0.42.0 hectare in Gundalpatty Panchayat, Krishnagiri Taluk is a Government Poramboke land. The petitioner/Panchayat already proposed to construct a overhead water tank under Jal Jeevan Mission for the Public of Gundalpatty Panchayat. It is also stated that the petitioner is proposed to put



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up construction in the said area. It is also stated that the 5th respondent/Town Panchayat is taking steps to construct a water tank in the above said land for the purpose of taking water to Kaveripattinam Town Panchayat.

3. The learned counsel appearing for the petitioner submitted that the 5th respondent/Town Panchayat is not entitled to construct a water tank in the land situated in petitioner's Panchayat. It is also submitted that the above said land is required for the purpose of petitioner/Panchayat for various usages including construction of water tank and court complex etc.

4. It is admitted case of the petitioner that the land in S.No.489/1 is a Government Poramboke land. In such case, the petitioner has no *locus* to oppose that the 5th respondent is not entitled to put up any construction in the land belongs to the Government.

5. Mr. N. Naveenkumar, learned Government Advocate appearing for the respondents 1 to 3, on written instructions, submitted that on the basis of complaint given by the petitioner, the Collector conducted a field inspection on 01.06.2023.



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6. During field inspection, it is found that the 5th respondent is constructing a water sump for storage of water under AMRUT 2.0 Scheme for taking drinking water to 5th respondent/Town Panchayat. It is also found that the portion of the construction activities is already over. During field inspection, the 1st respondent also issued certain directions to 3rd respondent for earmarking pathway to facilitate the free movement of the public and also land for construction of water tank by the petitioner. It is also mentioned by the 1st respondent that the area for construction of water sump by 5th respondent, was also earmarked during field inspection.

7. Even as per the affidavit by the petitioner, S.No.489/1 belongs to Government and the petitioner is not owner of the said land. In such circumstances, the petitioner is not entitled to oppose the construction of water sump by the 5th respondent in the land belongs to the Government.

8. If the petitioner requires any portion of the land in S.No.489/1 for any public purpose, it is for the petitioner to move the 1st respondent, who is the Competent Authority to consider the request of the petitioner. Therefore, the Mandamus sought for by the petitioner cannot be issued in view of the



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fact that the petitioner has no *locus* to question the construction of water
sump in the land belongs to the Government.

9. The writ petition is dismissed with the above observation. No
costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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S.SOUNTHAR, J.

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