



Writ Petition No.24160 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22/2/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.24160 of 2022

a n d

W.M.P.No.23134 of 2022

R. Thirumala

...

Petitioner

Vs

1. The District Collector of Chengalpattu
Chengalpattu 603 111.
2. The District Revenue Officer
Chengalpattu.
3. The President
Athur Village Panchayat
Kattankulathur Panchayat Union
Kattankulathur
Chengalpattu Taluk and District.
4. The Block Development Officer
Kattankulathur Panchayat Union
Kattankulathur
Chengalpattu Taluk and District.
5. The Public Health Officer
Collectorate Office
Chengalpattu 603 111
Chengalpattu Taluk and District.



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6. Malarvizhi

7. Mani

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 3 and 4 as per 465/2022/A1 dated 8/8/2022 and Letter in Na.ka.No.0704/2022-2023 dated 10/8/2022 respectively and Rule 54 (3) (b) of the Tamil Nadu Combined Development Building Rules, 2019 forbearing the respondents 6 and 7 from proceeding with the further construction work of septic tank near to the bore well of the petitioner which is laid down in the petitioner's property comprised in Grama Natham Old Survey No.835B/2 Grama Natham New Survey No.1222/2 situate at No.1 Sannathi Street, Athur Village, Chengalpattu Taluk and District.

For Petitioner

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Mr.R.Agilesh

For respondents

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Mr.K.Karthick Jeganath
Government Advocate
for R.R.1 to 3 and 5.

Mr.G.Velu
for R.4.

Mrs.P.Uma
for R.R.6 and 7



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ORDER

This writ petition has been filed to direct the respondents 3 and 4 as per 465/2022/A1 dated 8/8/2022 and Letter in Na.ka.No.0704/2022-2023 dated 10/8/2022 respectively and Rule 54 (3) (b) of the Tamil Nadu Combined Development Building Rules, 2019 forbearing the respondents 6 and 7 from proceeding with the further construction work of septic tank near to the bore well of the petitioner which is laid down in the petitioner's property comprised in Grama Natham Old Survey No.835B/2 Grama Natham New Survey No.1222/2 situate at No.1 Sannathi Street, Athur Village, Chengalpattu Taluk and District.

2. Heard Mr.R.Agilesh, learned counsel for the petitioner, Mr.K.Karthick Jeganath, learned Government Advocate for the respondents 1, 3 and 5, Mr.G.Velu, learned counsel for the fourth respondent and Mrs.P.Uma, learned counsel for the respondents 6 and 7.

3. This Court, vide, order, dated 31/1/2023, directed the fifth respondent to file a report after making an inspection of both the building of the petitioner and private respondents as well as the septic tank of the private respondents.



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4. Accordingly, Inspection Report, dated 17/2/2023 was filed, wherein it is stated that the respondents 6 and 7 had constructed a septic tank, within 7 feet distance, from the bore well of the petitioner. It is further stated that septic tank has been put up contrary to the building plan.

5. In such a view of the matter, official respondents shall take action, against the respondents 6 and 7, as per law, within a period of one month from today.

6. With the above direction, this writ petition is closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

22/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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To

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N. SATHISH KUMAR, J
mvs.

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