



WEB COPY



W.P.No.25707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25707 of 2023

K.Sadhasivam

...Petitioner

Vs.

1.The District Collector,
Namakkal District.

2.The Block Development Officer,
Mohanur Block,
Namakkal District.

3.Mrs.Parameshwari
The Panchayat President,
Lathuvadi Village Panchayat,
Mohanur Taluk,
Namakkal District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent on his own motion as per Section 205(1)(a) of Tamil Nadu Panchayat Act, 1994, to take necessary action against the 3rd respondent by abusing her powers in constructing overhead water tank in the patta land in S.No.116/4A of Lathuvadi Village, thereby caused prejudice to the petitioner and others by



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non-providing water connections as well as financial loss of Rs.17,00,000/- to the Government exchequer, by considering the petitioner's representation dated 04.04.2023 sent to the 1st respondent.

For Petitioner : Mr.R.Anbukarasu
For Respondents : Mr.N.Naveen Kumar
Government Advocate for R1

Dr.T.Srinivasan
Special Government Pleader for R2

ORDER

The petitioner herein seeks a direction to the 1st respondent to invoke his power under Section 205(1)(a) of Tamil Nadu Panchayat Act, 1994 and take necessary action against the 3rd respondent, who abused his possession and constructed overhead water tank in the patta land in S.No.116/4A of Lathuvadi Village.

2.It is the case of the petitioner that the 3rd respondent, who is the President of Lathuvadi Village Panchayat constructed a overhead water tank in the private property belongs to one Amudha instead of constructing the same in the Poramboke land belongs to the Government. It is further stated that no



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water connection is provided to the general public from the newly constructed water tank, even if the construction is already over. Therefore, the petitioner submitted a representation to the 1st respondent on 04.04.2023, requesting him to take action against the 3rd respondent and also the 2nd respondent.

3.The learned counsel for the petitioner submits that the 3rd respondent instead of constructing the water tank in the Government Poramboke land available in the village, wantonly constructed the water tank in the private property and caused loss to the Panchayat. The learned counsel further submits that even though the construction is already over, no water connection is provided to the general public from the newly constructed water tank.

4.The person in whose property the water tank is constructed has not questioned the same and he is not before the Court. The writ petitioner is not entitled to seek enforcement of the right of some other third party. Therefore, this Court is not inclined to issue a direction to the 1st respondent to consider the petitioner's representation dated 04.04.2023. If the real grievance of the petitioner is failure of the 3rd respondent to provide water connection to the general public from the newly constructed water tank, it is open to the



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petitioner to submit a fresh representation to the 1st respondent mentioning the same within a period of two weeks from the date of receipt of copy of this order. If any such representation is submitted by the petitioner within the time stipulated, the 1st respondent shall consider the same and pass final orders in accordance with law within a period of six weeks thereafter.

5. With this direction, the writ petition stands disposed of. No costs.

01.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nti/shl

To

1. The District Collector,
Namakkal District.
2. The Block Development Officer,
Mohanur Block,
Namakkal District.



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S.SOUNTHAR, J.

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