



W.P(MD)No.5921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5921 of 2023

and

W.M.P(MD) No.5512 of 2023

D.Sukumaran

... Petitioner

Vs.

1.The District Collector
Madurai Collector Office,
Madurai.

2.The Tahsildar
Melur Taluka Office,
Melur,
Madurai District.

3.The Panchayat President
Ettimangalam Village,
Melur,
Madurai District.

4 Senthil

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1 to 3



W.P(MD)No.5921 of 2023

respondents to consider petitioner's objection letter, dated 13.03.2023 for digging bore well within 100 mts. radius from petitioner bore well .

For Petitioner : M/s.S.Arunnithy

For Respondents : Mr.N.Muthu Vijayan - for R1 & R2
Special Government Pleader

Mr.M.Ramesh - for R3
Government Advocate

Mr.S.Ramasamy - for R4

ORDER

The petitioner and the fourth respondent are neighbours. It would have been more peaceful and there had been harmony between the two of them. But the issue of digging a bore-well appears to have agitated both the petitioner and the fourth respondent. The petitioner had dug a bore-well in the year 2018. For good measure, the brother of the fourth respondent had now applied to the third respondent Panchayat, Ettimangalam Village, Melure in Madurai District, seeking permission to



W.P(MD)No.5921 of 2023

dig a bore-well. The petitioner has given a representation protesting against that. The issue has to be decided only by the third respondent /Panchayat President.

2. The learned counsel is present and he states that an application has been received from one Sathish Kumar who is said to be brother of the fourth respondent seeking permission to dig a bore-well. But permission has not yet been granted. Water is required for everybody, who has a family and house.

3. Let the Panchayat take a considered decision after taking into consideration the objection of the petitioner and balancing it with the necessities of the fourth respondent / Sathish Kumar for requirement of water

4. The fact that the petitioner had also dug a bore well earlier may also be taken into consideration while coming into a decision regarding grant or otherwise of permission.



W.P(MD)No.5921 of 2023

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5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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To

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W.P(MD)No.5921 of 2023

C.V.KARTHIKEYAN, J.

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W.P(MD)No.5921 of 2023

20.03.2023