



W.P(MD)No.1812 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1812 of 2016 and
WMP(MD) No.1552 of 2016

M.Kamayammal

...Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

3.The Regional Director of Municipal Administration,
Corporation Building III Floor,
Madurai.

4.The Commissioner,
Theni Allinagaram Municipality,
Theni.

5.The Executive Engineer,
TWAD Board,
NRT Nagar,
Theni.

...Respondents



W.P(MD)No.1812 of 2016

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from developing the road and laying water pipeline in the property comprised in S.No.167, Theni Allinagaram, Theni Taluk and Theni District and further direct the respondents to remove the pipelines already laid.

For Petitioner	: Mr.R.Murali
For R1 to R3	: Mr.A.Kannan Additional Government Pleader
For R4	:Mr.K.Hemakarthiskeyan
For R5	:Mr.Vijaykarthiskeyan

ORDER

This writ petition is filed for a Mandamus, forbearing the respondents from laying water pipelines in the petitioner's property in S.No.167, Theni Allinagaram, Theni District and further direct the respondents to remove the pipelines already laid in his land.

2.The learned counsel appearing for the petitioner submits that the fifth respondent has laid pipelines on behalf of the fourth respondent in the petitioner's land even without acquiring the land and without paying any compensation to the petitioner.



W.P(MD)No.1812 of 2016

3.The learned counsel appearing for the fourth respondent submits that they have laid pipe lines in the year 2015 itself and at the time of laying the pipeline, there was no objection. This writ petition has been filed for removing the pipeline already laid in the petitioner's land in Survey No.167. He further submits that the pipeline laid in the petitioner's land is the main source of water for Theni Allinagar people and therefore, it cannot be removed or altered at this point of time. However, the learned counsel fairly submits that they are negotiating with the petitioner for providing compensation for utilizing his land.

4.Considering the submissions made on behalf of the fourth respondent, this writ petition is disposed of that the relief sought for by the petitioner cannot be granted at this stage, as the pipeline laid in the petitioner's land is the main source of water for the residents in that locality. However, considering the fact that the fourth respondent Municipality has laid the pipeline in the petitioner's land without acquiring land as per the procedure, a



W.P(MD)No.1812 of 2016

direction is hereby issued to the fourth respondent to pay appropriate compensation to the petitioner, as per the provisions of Right to Fair Compensation Act, 2013 at the earliest. No Costs. Consequently, connected Miscellaneous Petition is closed.

21.02.2023

Index:Yes
Internet:Yes
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W.P(MD)No.1812 of 2016

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W.P(MD)No.1812 of 2016

B.PUGALENDHI, J.

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Order made in
W.P(MD)No.1812 of 2016 and
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