



W.P(MD)No.25637 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.25637 of 2023

I.Kalanthar Ashik Ahamed

... Petitioner

Vs.

1.The District Collector

Office of the District Collector,
Ramanathapuram District.

2.The Thasildar

Taluka Office,
Thiruvadanai Taluk,
Ramanathapuram District.

3.The Block Development Officer

Block Development Office,
Thiruvadanai Taluk,
Ramanathapuram District.



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4.The Executive Officer
Panchayat Office,
R.S.Mangalam,
Ramanathapuram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to demolish the damaged Four Water Tanks situated at 8th Ward of D.D.Main Road, 3rd Ward of Arasuoorani, 15th Ward of Parampai Road and 10th Ward of Parampai Road, R.S.Mangalam Taluk of Ramanathapuram District and consequently direct the respondents to construct new Water Tank in the above said area by considering the petitioner's representation dated 05.10.2023.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.P.Thilak Kumar

Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.S.Atham Ali, learned counsel for the petitioner, and Mr.P.Thilak Kumar, learned Government Pleader appearing for respondents.



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2. The learned counsel for the petitioner submits that four water tanks in the village are in dilapidated condition. One water tank is near the School building. The water tanks are threat to the safety of the villagers and the students in the school. The respondents be directed to construct a new water tank. The water tanks are constructed in the year 1999.

3. The learned Government Pleader, on instructions, submits that the water tanks are repaired and renovated. The technical experts have given a report about the stability of the said water tanks and the maintenance is being done and the water tanks are not required to be demolished.

4. Naturally, the respondent authorities should be more concerned with the safety of the villagers and the students. The Court is not expert with regard to the stability. The respondents certainly are required to get a report from the technical experts. If the technical experts have suggested that the tanks are in a good shape and are not required to be demolished, then it will not be appropriate for the Court to pass orders for demolition.



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5. The respondents shall ensure that experts certify the tanks to be safe. Depending upon the report of the technical experts, the respondents may act accordingly. If the report is not yet obtained from the technical experts, the said report shall be obtained, preferably, within a period of three months from today.

6. Writ Petition stands disposed of. No costs.

[S.V.G., C.J.]

[L.V.G., J.]

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Index : Yes / No
Neutral Citation : Yes / No

RM



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THE HONOURABLE CHIEF JUSTICE
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L.VICTORIA GOWRI, J.

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