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W.P.No. 17772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17772 of 2024
and
W.M.P.No.19520 of 2024

P.Aadhimoolam

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Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Villupuram, Villupuram District.

2.The Additional District Collector (Development),
Rural Development Agency,
District Planning Complex,
Villupuram.

3.The Joint Director,
Rural Development and Panjayathraj Department,
District Planning Complex,
Villupuram.

4.The Assistant Executive Engineer,
Public Works Department (Water and River),
Tindivanam,
Villupuram District.

5.The Project Director,
Rural Development Agency,
Panagal Maligai,
Saidapet, Chennai.



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6.The Block Development Officer,
Office of the BDO,
Mayilam Panchayat Union,
Kutteripattu Village,
Tindivanam Taluk, Villupuram District.

7.Venkateshan Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to take appropriate action against the sixth and seventh respondents based on his representations dated 02.05.2024 and 20.06.2024.

For Petitioner : Mr.N.Stalin

For R1 to R6 : Mr.N.Naveen Kumar
Government Advocate

ORDER

This Writ Petition has been filed for a direction, directing the first respondent to take appropriate action as against the respondents 6 and 7 on the representations submitted by the petitioner dated 02.05.2024 and 20.06.2024.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 6 and perused the materials available on record.



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3. The petitioner owned a land comprised in Survey No.180.2 in the Moozhiyanur Village, Nedimoozhiyanur Panchayat, Tindivanam Taluk, Villupuram District. While being so, there is previous enmity between the petitioner and the seventh respondent. The seventh respondent is the Panchayat President of Nedimozhiyanur Village. The petitioner has also occupied a portion of the land comprised in Survey No.179 in Nedimozhiyanur Village. While being so, there was a request from the seventh respondent Panchayat to dig up a common well on the river front. The said request was approved by a resolution No.30. Thereafter, the proposal was sent to the sixth respondent and the same was forwarded to the first respondent. The first respondent received an approval from the Government and issued an administrative sanction under the Mahatma Gandhi National Rural Employment Guarantee Scheme by its proceedings dated 17.11.2023. Accordingly, the estimate was prepared and technical sanction was obtained from the District Executive Engineer and he approved a sum of Rs.16,92,000/- for the said project. By a proceedings dated 21.11.2023, the said work was executed by the Panchayat Secretary.



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4. As per the order, the Panchayat officials had began digging the open well in R.S.No.179. The petitioner owned adjacent land in R.S.No.180 and he also encroached the water body in Survey No.179 and enjoyed the same for many years and he began to stop the work. Thereafter, the petitioner submitted a representation to take appropriate action as against the sixth and seventh respondents by using excavator to dig up the well.

5. The learned counsel appearing for the petitioner would submit that the scheme itself is meant for providing employment to the unskilled labour. Without using the unskilled labour to dig up the well, the sixth and seventh respondents are using the machineries.

6. As stated supra, the petitioner has encroached the land in Survey No.179 to an extent of 30 cents apprehends that if any well digged up in the said area, it would affect the enjoyment of the land and raised objections. On perusal of the records revealed that the sixth and seventh respondents had engaged the unskilled labour to complete the work.



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7. Therefore, there is absolutely no illegality to take action as against the sixth and seventh respondents herein. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. The first respondent is directed to take appropriate action as against the petitioner, if any land encroached in the water body by the petitioner illegally, in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

14.08.2024

Internet : Yes/No

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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