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W.P.No.24903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24903 of 2024
and W.M.P.No.27252 of 2024

Royal K.Saravanan

... Petitioner

-Vs-

1. Tamil Nadu Water Supply And Drainage Board,
Rep. By Executive Officer,
Bhavani Sub Division,
Bhavani, Erode.
2. The District Collector,
Erode District, Erode.
3. The Assistant Director Of Town Panchayat,
O/o.Town Panchayat,
Erode Division, Erode.
4. Kanchikovil Town Panchayat,
Rep. By Executive Officer,
Kanchikovil, Perunthurai Tk,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 26.06.2024 made in Na.Ka.No. 219/2024 passed by the 4th respondent quash the same and consequently forbear the respondents from any way putting up any overhead water tank



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in the land comprised in S.No.236/5A and 236/6A situate at Kanchikovil Village, Perunthurai Taluk, Erode District.

For Petitioner	: Mr.G.Ethirajulu
For R1	: Mrs.S.Mekhala
	Standing Counsel
For R2 and R3	: Mr.V.Manoharan
	Additional Government Pleader
For R4	: Mr.T.N.C.Kaushik
	Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 4th respondent dated 26.06.2024, thereby rejected the objections raised by the petitioner.

2. Heard both sides and perused the materials available on record.

3. The petitioner and his family owned property comprised in S.No.236/5A and 236/6A situated at Kanchikovil Village, Perunthurai Taluk, Erode District. To an extent of 1.40 acres in the said survey numbers, the petitioner had executed a settlement deed in favour of the fourth respondent vide registered document No.689/1999 for the purpose of general public. Thereafter, the Central Government had introduced a scheme called “AMRUT-2.0 Development of Green Spaces/Parks:2021-



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2022” and the State Government under the said scheme made a detailed estimate to put up a park and play ground for general public and children by allocating a sum of Rs.35.50 lakhs. Accordingly, a park has been inaugurated on 22.02.2024. While being so, the respondents have proposed to put up the overhead water tank under “Periyakodivary Kootukudineer Scheme” by Perunthurai Town Panchayat and other 7 Town Panchayats in order to distribute water supply to three Village Panchayats. The fourth respondent Panchayat proposed to put up overhead water tank inside the park. Therefore, the petitioner raised objections by way of a representation dated 20.05.2024. After considering the objections raised by the petitioner, it was rejected by an order dated 26.06.2024. Hence, this writ petition.

4. The learned counsel for the petitioner would submit that the petitioner raised objections and the petitioner was not given any opportunity of hearing before rejecting the same. That apart, the land which was gifted by the petitioner for the purpose of general public and just two months before a park was set up and it was inaugurated. Immediately, now, the entire park has been demolished and put up a



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overhead water tank inside the park.

5. A perusal of records revealed that admittedly the petitioner gifted the land ad-measuring 1.40 acres for the purpose of general public. It was not gifted while laying out the property. That apart, the said park place was not earmarked for particular purpose. The petitioner himself on his own gifted the said land for the purpose of general public in which under the “AMRUT-2.0 Development of Green Spaces/Parks:2021-2022” allotted a sum of Rs.35.50 lakhs to put up park and playground. Accordingly, it was put up and subsequently, under the “Periyakodivary Kootukudineer Scheme” in order to distribute water supply to all Panchayats, it is required to construct an overhead water tank. The vacant place inside the park was chosen and in which, now the water tank is under construction.

6. A perusal of photographs revealed that more than 50% of the water tank has been already constructed. The construction of overhead water tank is also for the purpose of general public and as such, this Court finds no infirmity or illegality in the order passed by the fourth



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respondent and the writ petition is devoid of merits and is liable to be dismissed. However, the third and fourth respondents are directed to restore the park in its original position for the purpose of public use, after constructing the overhead water tank.

7. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

29.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Executive Officer,
Tamil Nadu Water Supply And Drainage Board,
Bhavani Sub Division,
Bhavani, Erode.
2. The District Collector,
Erode District, Erode.
3. The Assistant Director Of Town Panchayat,
O/o.Town Panchayat,
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4. The Executive Officer,
Kanchikovil Town Panchayat,
Kanchikovil, Perunthurai Tk,
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