



W.P.No.25590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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M.Mahadevan

Vs

.. Petitioner

- 1.The State of Tamilnadu,
rep. by its Secretary to Government,
Department of Revenue,
Fort St. George, Chennai-600 009.
- 2.The District Collector,
Vellore Collectorate Office,
Vellore District.
- 3.The Revenue Divisional Officer,
Vellore District, Vellore.
- 4.The Block Development Officer,
Anaicut Taluk, Vellore District.
- 5.The Tahsidlar,
Anaicut, Vellore-632 001.
- 6.The President,
Village Panchayat, Ediyarpalaiyam,
Brahmanamangalam,
Anaicut Taluk,
Vellore District.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to take necessary legal action on a war foot basis against the unlawful pond excavation work carried out by the sixth respondent under Mahatma Gandhi National Rural Employment Guarantee Act 100 days scheme in Survey No.86/2, to the extent of Hectares 2.82.5 Ares situated at Ediyar Palayam Village, Anaicut Taluk, Vellore District in the interest of safeguarding the lives of school children and public.

For the Petitioner : Mr.B.Karthikeyan

For Respondents : Mr.M.Habeeb Rahman
Government Advocate
for respondents 1 to 6

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition, styled as public interest litigation, seeking issuance of a writ of mandamus commanding respondents 1 to 5 to take necessary legal action on a war footing against the unlawful pond excavation work carried out by the sixth respondent under Mahatma Gandhi National Rural Employment Guarantee Act 100 days scheme in Survey No.86/2, to



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an extent of Hectares 2.82.5 Ares situated at Ediyar Palayam Village, Anaicut Taluk, Vellore District, to safeguard the lives of school children and the public at large.

2. The gravamen of the case of the petitioner is that the respondent authorities are creating a new pond in the land classified as "Meikkal Poramboke" and the same is not permissible in law.

3. Refuting the aforesaid contention, learned Government Advocate appearing on behalf of the respondents submits that the respondents are empowered to create a pond in the land classified as Meikkal poramboke as per the proceedings dated 25.6.2024 of the Director, Rural Development and Panchayat Raj. A copy of the said proceedings was also produced before this court.

4. In the light of the aforesaid submission made by learned Government Advocate, more particularly considering the proceedings dated 25.6.2024, we are of the firm view that the writ



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petition is misconceived. A public interest litigant is bound to ferret out the requisite information to sustain his case. He cannot file a petition on mere surmises and conjectures. When the respondents are empowered to create a pond and are proceeding further in terms of the proceedings dated 25.6.2024 of the Director, Rural Development and Panchayat Raj, the prayer made in the writ petition cannot be countenanced.

The writ petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.No.27940 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
30.08.2024

Index : Yes/No
NC : Yes/No
sasi



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To:

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- 2.The District Collector,
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- 3.The Revenue Divisional Officer,
Vellore District,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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