



WEB COPY



W.P.No.30621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.30621 of 2024
and W.M.P.No.33227 of 2024

C.CHANDRAMOULI

.. Petitioner

Vs

- 1.THE DISTRICT COLLECTOR
KALLAKURICHI DISTRICT,
KALLAKURICHI.
- 2.THE TAHSILDHAR
ULUNDURPET TALUK,
KALLAKURICHI DISTRICT.
- 3.THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
(WATER RESOURCE DEPARTMENT),
KALLAKURICHI.
- 4.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
VILLUPURAM LTD.,
VILLUPURAM.



W.P.No.30621 of 2024

5. THE BRANCH MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
VILLUPURAM LTD.,
ULUNDURPET-606 107.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 4 and 5 from in any manner leveling or putting up any construction on the Canal and land in S.No.45 of Ulundur Village, Ulundurpettai Taluk, Kallakurichi District.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.Karthik Jegannath
Government Advocate
for respondents 1 to 3

: Mr.T.Chandrasekaran
for respondents 4 and 5

ORDER

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

Petitioner has rushed to this court by way of this public interest litigation on the ground that the bus depot of the fourth respondent/



W.P.No.30621 of 2024

WEB COPY

Transport Corporation is situated on the western side of the canal; that in the year 2018, the Transport Corporation attempted to construct a compound wall to the depot by extending the same over the canal; and that the land in Survey No.45 was classified as water catchment area.

2. According to petitioner, the entire Survey No.45 was catchment area and despite objections, the Transport Corporation, which is respondent Nos.4 and 5, continued to operate its bus depot in the catchment area covered by Survey No.45. Petitioner says the Transport Corporation is now setting up a fuel station for its use and that should not be permitted.

3. Petitioner is the President of one Ulundur Eri Neerinai Payanpaduthuvor Sangam and got elected in the election held on 18.4.2022 by the Public Works Department.

4. The Apex Court in ***State of Uttaraanchal v. Balwant Singh Chauhan***¹ has held that the court should be satisfied regarding the correctness of the contents of the petition before entertaining a public

¹ (2010) 3 SCC 402



W.P.No.30621 of 2024

WEB COPY

interest litigation. Petitioner has been economical with truth in this public interest litigation.

5. In the typed-set filed by the Transport Corporation, there is a government order dated 7.10.1992. This government order indicates that Survey No.45 was sub-divided into Survey Nos.1 to 4 way back in 1934 itself. Thereafter, in 1992, it was further sub-divided into Survey Nos.45/1, 45/2, 45/3, 45/4, 45/5 and 45/6. Survey No.45/5 is the only water body and it is described as Vaikkal (Odai), which means canal. Survey Nos.45/1 and 45/6 have been given to the Transport Corporation and both these lands fall on either side of the canal. Survey No.45/1 is about 2.84 acres and Survey No.45/6 is about 7.36 acres. In the land area details submitted in the compilation filed by the Transport Corporation, the retail outlet is indicated to be in the extreme corner of 7.36 acre plot (north-west corner).

6. Even in the No-objection Certificate (NOC) issued by the Additional District Magistrate and District Revenue Officer, Kallakurichi, on 1.9.2024, it is stated that the license has been given to Hindustan Petroleum



W.P.No.30621 of 2024

WEB COPY

Corporation Limited for storage of petroleum products in their premises in an extent of 2025 sq.mtrs. of total extent of 4.11.0 hectare land in Survey No.45/6 that belongs to the Transport Corporation. It is also mentioned that various particulars have been considered while issuing the NOC.

7. Mr.Prabakar and Mr.Chandrasekaran state that between the petroleum bunk and canal there is 4 to 5 acres of land gap and the question of contamination of the canal water does not arise.

8. The Transport Corporation or the Hindustan Petroleum Corporation Limited, before setting up the retail outlet, shall comply strictly with the conditions imposed in the government order dated 7.10.1992, unless it has been diluted subsequently.

9. In these circumstances, the concerns of petitioner are unfounded.



W.P.No.30621 of 2024

Petition is dismissed. There shall be no order as to costs.

WEB COPY

Consequently, interim application stands closed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

12.12.2024

Index : Yes/No

NC : Yes/No

sasi

To:

1.THE DISTRICT COLLECTOR
KALLAKURICHI DISTRICT,
KALLAKURICHI.

2.THE TAHSILDHAR
ULUNDURPET TALUK,
KALLAKURICHI DISTRICT.

3.THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
(WATER RESOURCE DEPARTMENT),
KALLAKURICHI.

4.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
VILLUPURAM LTD.,
VILLUPURAM.

5.THE BRANCH MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
VILLUPURAM LTD.,
ULUNDURPET-606 107.



WEB COPY



W.P.No.30621 of 2024

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)

W.P.No.30621 of 2024

12.12.2024