



WP No.32774 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P No.32774 of 2024

and

W.M.P.Nos.35609 & 35610 of 2024

K.Velayutham

... Petitioner

-Vs-

1.The District Collector,
Salem.

2.The Assistant Director (Panchayat)
Rural Development, Collectorate,
Salem.

3.The Tahsildar,
Omalur Taluk, Salem District.

4.The Block Development Officer (Village Panchayat)
Omalur, Salem District.

5.The Village President,
Pagalpatty Panchayat,
Omalur Taluk,
Salem District.

6.Balachandar

7.Palanisamy

... Respondents

Page 1 of 5



WP No.32774 of 2017

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PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 5 not to remove the water tank at B-Kathirchettipatty Village, Pagalpatty Panchayat, Omalur Taluk, Salem District and made to supply of water properly.

For Petitioner	:	Mr.T.Ganesan
For R1 to R3	:	Mr.T.Chandrasekaran, Special Government Pleader.
For R4 & R5	:	Mr.G.Nanmaran, Special Government Pleader.
For R6 & R7	:	Mr.D.Nandha Gopal

ORDER

This writ petition has been filed in a nature of Mandamus seeking a direction to the respondents 1 to 5 not to remove the water tank at B-Kathirchettipatty Village, Pagalpatty Panchayat, Omalur Taluk, Salem District and to supply water properly.



WP No.32774 of 2017

WEB COPY

2.The 6th and 7th respondents are all co-brothers. The petitioner is also a resident of the same village. There is a mini water tank, which had been constructed about 20 years back. Water had been supplied to the villagers through mini water tank. Thereafter, a overhead tank had been constructed by the Government and water is supplied to the villagers through the overhead tank. It is now contended on behalf of the 6th and 7th respondents that the mini water tank is in their patta land.

3.The writ petition has been filed not to remove the said mini water tank. According to the 4th respondent, there is no proposal to remove the tank. The learned counsel for the 6th and 7th respondents, however states that a representation has been given to the 4th respondent to remove the mini water tank. That representation will have to be examined on its merits independently, since there is no proposal to remove the mini water tank. The relief sought in the writ petition cannot be granted and does not require to be addressed. Whenever a proposal is put up for removal of the mini water tank, the petitioner or anybody else who is aggrieved can always approach this Court.

4.With the above observations, this writ petition stand disposed of. No



WP No.32774 of 2017

costs. Consequently, connected writ miscellaneous petitions are closed.

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19.11.2024

smv

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To,

1.The District Collector,
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Rural Development, Collectorate,
Salem.

3.The Tahsildar,
Omalur Taluk, Salem District.

4.The Block Development Officer (Village Panchayat)
Omalur, Salem District.

5.The Village President,
Pagalpatty Panchayat,
Omalur Taluk,
Salem District.

C.V.KARTHIKEYAN, J.

Page 4 of 5



WEB COPY



WP No.32774 of 2017

smv

W.P No.32774 of 2024

19.11.2024