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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.38437 of 2024

and

W.M.P.Nos.41640 & 41641 of 2024

S.Nagaraj

.. Petitioner

Vs.

1.The District Collector,
Tiruvallur,
Tiruttani Road,
Tiruvallur District.

2.The Block Development Officer,
Poondi Panchayat Union,
Poondi,
Tiruvallur District.

3.R.Eswaran
The President,
Poondi Panchayat,
Panchayat Office,
Poondi,
Tiruvallur District.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice dated 16.11.2024 in Na.Ka.No.1113/2024/A6 issued by the 2nd respondent and to quash the same and consequently, forbear the respondents from laying water pipelines in the petitioner's agricultural lands situated at S.Nos.968 & 970 admeasuring 4.65 acres, Ramacheri Village, Tiruvallur District.

For Petitioner	.. Mr.C.Harish
For R1	.. Mr.T.Chandrasekaran, Additional Government Pleader.
For R2	.. Mr.C.Selvaraj, Additional Government Pleader.
For R3	.. Mr.B.Sudharshanam

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus, calling for the records relating to a notice dated 16.11.2024 in Na.Ka.No.1113/2024/A6 issued by the 2nd respondent, the Block Development Officer, Poondi Panchayat Union, Tiruvallur District and to quash the same. The petitioner also seeks restraint against the respondents from laying the water pipelines in the agricultural land of the petitioners at S.Nos.968 & 970 measuring 4.65 acres, Ramacheri Village, Tiruvallur



District.

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2.It is the contention of the petitioner that the aforementioned land in S.Nos. 968 & 970 measuring 4.65 acres at Ramacheri Village, Tiruvallur District, belongs to the petitioner. There is no dispute over that particular fact. But however, the respondents had to take action, consequent to an order of a learned Single Judge in W.P.No.19541 of 2024 wherein, by an order dated 24.07.2024, the learned Single Judge in the writ petition filed by the 3rd respondent herein, the President of Poondi Village Panchayat, Tiruvallur District, had issued a direction that the respondents should take appropriate action to lay the pipelines in accordance with the rules and proceed in manner known to law and an outer time limit of four months had also been given. This order had to be complied with by the 2nd respondent, the Block Development Officer, Poondi Panchayat Union, Poondi, Tiruvallur District. Accordingly, he had proceeded to lay the pipelines.

3.It is contended on behalf of the 2nd respondent that at the time when the pipeline was laid, the land was barren but subsequently, the petitioner had put up some crops. But even otherwise, unless the petitioner is able to



workout his remedy so far as the order in W.P.No.19541 of 2024 is concerned, the direction against the 2nd respondent to lay the pipeline stands and has to be complied with.

4.The only direction which this Court can issue is that, if the pipelines are laid underground, subsequently the respondents must level the lands and put them back in the same condition as they were before the pipelines were laid. No further directions can be issued. The grievance of the writ petitioner that the order in W.P.No19541 of 2024 was obtained without impleading the present writ petitioner is noted. The 2nd respondent may also bear any expenses incurred or the costs which has been suffered by the petitioner owing to damage of any crops.

5.With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.12.2024

Index: Yes/No
Internet: Yes/No
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To

1.The District Collector,



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Tiruvallur,
Tiruttani Road,
Tiruvallur District.

2. The Block Development Officer,
Poondi Panchayat Union,
Poondi,
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3. R. Eswaran
The President,
Poondi Panchayat,
Panchayat Office,
Poondi,
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C.V.KARTHIKEYAN,J.



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