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W.P.(MD)NO.14456 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14456 of 2024

J.Sunny Nayagam Jacob

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari District.
2. The Revenue Divisional Officer,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
3. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
4. The Block Development Officer,
Then Thamaraikulam Panchayat Union,
Then Thamaraikulam,
Kanyakumari District.
5. The Executive Officer / President,
Then Thamaraikulam Town Panchayat,
Then Thamaraikulam,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the



respondents 1 to 4 to consider the petitioner's representation dated 20.03.2023 and 10.06.2024 and consequently to direct the fifth respondent not to put up any bore well in survey No.423/4 of Elanthaiyadivilai, Agastheeswaram Taluk, Kanyakumari District which is a public pathway.

For Petitioner : Mr.N.Sekar

For R-1 to R-4 : Mr.D.Sasikumar,
Additional Government Pleader.

For R-5 : Mr.N.Ramesh Arumugam,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner has complained to the respondents 1 to 4 against the fifth respondent. The case of the petitioner is that the fifth respondent is digging one more bore well in front of his house. The fifth respondent is not a private individual. It is the local body. The local body is erecting a new bore well only for the benefit of the villagers. The petitioner's apprehension is that if the third bore well is installed it will affect the water table and thereby his rights will be affected. When the Court has to balance, the rights of the public at large will prevail over



personal rights. I do not find any ground to interfere. This writ petition stands dismissed. No costs.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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Nagercoil,
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WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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