



W.P.(MD) No.18987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.18987 of 2024
and
W.M.P.(MD)No.16035 of 2024**

Mohideen Pitchai

... Petitioner

-VS-

- 1.The District Collector,
Tirunelveli District
Tirunelveli.
- 2.The Assistant Director,
Town Panchayat,
Tirunelveli District.
- 3.The Executive Officer,
Sankar Nagar Municipality,
Tirunelveli District.
- 4.The President,
Village Panchyat, Thalaiyuthu,
Manur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing restraining the respondent no.5 from carrying out the construction of overhead water tank across the Nilaviyal pathway situated in survey No.430/6, of the 6th respondent Village Panchayat to the extent of 24 cents, owned by the 7th respondent by



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considering the petitioner's representation dated 24.06.2024 to the respondent nos.1 to 6.

For Petitioner : Mr.K.Navaneetharaja
For Respondents 1 to 3 : Mr.P.Thilakkumar
Government Pleader
For 6th Respondent : No Appearance

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents 1 to 3.

2.Pursuant to our order dated 06.08.2024, the Executive Officer of Sankar Nagar Special Grade Town Panchayat has filed a report. Para no.5 of the report reads as follows:-

“I humbly submit that in pursuant to the said direction of this Hon'ble High Court, I am filing the present Status Report. At the outset, the actual facts of the case is that since the Old Over Head Water Tank located in the Survey No.499/2 of Narayanammalpuram Ward No.6, Sankarnagar, Tirunelveli District in the Muthunagar area which was already having a capacity of 60,000 litres of capacity is 25 years old and was damaged, the same was demolished due to various factors such as stability. Thereafter a new Over Head Tank with a capacity of 1,00,000 litres of capacity is proposed and the construction has commenced in the same place i.e the Survey No.499/2 of Narayanammalpuram Ward No.6, Sankarnagar, Tirunelveli District.”



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3.The grievance of the petitioner was that the offending construction has been put up in survey No.430/6 of Thalaiyuthu Village.

4.From the report filed by the Executive Officer, it is seen that the construction is not put up in Survey No.430/6 of Thalaiyuthu Village, but it is actually put up in Survey No.499/2 on Narayanammalpuram Village. Therefore, the grievance of the petitioner does not survive.

5.Hence, the Writ Petition is closed. However, liberty is granted to the petitioner to seek reopening, if construction is sought to be put up in Survey No.430/6 in Thalaiyuthu Village. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.08.2024

NCC : No
Index : No
Internet : Yes
Mrn

To

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Tirunelveli.
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- 3.The Executive Officer,
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Tirunelveli District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

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