



W.P(MD)No.8692 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.8692 of 2018

and

W.M.P(MD)No.8152 of 2018

N.Valji Nanji Patel

... Petitioner

Vs

1.State represented through,
The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer and
Additional Executive District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.

4.The Tahsildar,
Shencottai Taluk,
Shencottai,
Tirunelveli District.

5.The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned order No.Mu.Mu.E4/3683/2018 dated



W.P(MD)No.8692 of 2018

23.02.2018 on the file of second respondent, quash the same as illegal and consequently direct the second respondent to issue an order of permission to excavate the well by using explosive with adequate safety in according to law based on the petitioner's final representation dated 13.02.2018.

For Petitioner : No appearance
For RR 1 to 4 : Mr.M.Senthil Ayyanar
Government Advocate
For R – 5 : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent, dated 23.02.2018, thereby rejecting the representation of the petitioner seeking permission to excavate the well by using explosives.

2.The petitioner owned property comprised in R.Survey No.56/3 under Patta No.339 situated at Vallam Village, Senkottai Taluk, Tirunelveli District. In the said land, there is a well and in order to deepen the said well, the petitioner sought for permission to the second respondent to use explosives.



W.P(MD)No.8692 of 2018

3.On the request, there was an inspection and found that nearby the well, there are residences and if permitted to use the explosive to deepen the well, it would affect the neighbours. In the same area, due to the usage of explosives, one person died and as such, the second respondent rightly denied the permission to use explosives for deepening the well.

4.In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent, dated 23.02.2018. Therefore, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

5.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

08.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.8692 of 2018

WEB COPY

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer and
Additional Executive District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.
- 4.The Tahsildar,
Shencottai Taluk,
Shencottai,
Tirunelveli District.
- 5.The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.



WEB COPY



W.P(MD)No.8692 of 2018

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.8692 of 2018

08.11.2024