



W.P(MD)No.1231 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.1231 of 2016
and W.M.P(MD)No.1010 of 2016**

S.Pandi

... Petitioner

vs.

- 1.The District Collector,
Madurai District.
- 2.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 3.The Block Development Officer,
Panchayat Union,
Usilampatti,
Madurai District.
- 4.The President/Executive Officer,
Nadupatti Panchayat,
Usilampatti Taluk,
Madurai District.
- 5.The Junior Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
North Zone, Usilampatti,
Madurai District.



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6.D.Chinna Muniyandi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 2 to 4 herein from in any manner removing the public installations viz., water tap and electric pole situated in the "Grama Natham" of Thatampatti Village in Survey No.235/2 in the guise of removing an encroachment.

For Petitioner	: Mr.M.Gururaj (No appearance)
For RR 1 to 4	: Mr.T.Amjad Khan Government Advocate
For R – 5	: Mr.S.Deendhayalan Standing Counsel
For R – 6	: Mr.K.K.Senthil

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition as a 'Public Interest Litigation' for issuance of a Writ of Mandamus, forbearing the respondents 2 to 4 herein from in any manner removing the public installations viz., water tap and electric pole situated in the "Grama Natham" of Thatampatti Village in Survey No.235/2 in the guise of removing encroachments.



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2. According to the petitioner, drinking water facility was provided to the Villagers in the common utility area which is referred as 'Grama Natham' and the same is being utilized to store spilling water from the water tap which would be used by the cattle for drinking. All the provisions installed in the open space of the 'Grama Natham' were being utilized by the Villagers without any disturbance. While so, the respondents took steps to remove the water tap situated in 'Grama Natham'. Hence, the present Writ Petition has been filed.

3. The learned Government Advocate appearing for the respondents 1 to 4, on instructions, would submit that the water tap and electric pole are not removed.

4. Further on a perusal of the materials available on record, it is seen that the petitioner has not placed any material to show that he has filed this Public Interest Litigation as per the parameters laid down by the Hon'ble Supreme Court in the case of in the case of **Guruvayoor Devaswom Managing Committee vs. C.K.Rajan**, reported in **(2003) 7 SCC 546** and the subsequent decisions of the Honourable Supreme Court in



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the case of **Ashok Kumar Pandey vs. State of West Bengal and others**, reported in **(2004) 3 SCC 349**, **Neetu vs. State of Punjab**, reported in **(2007) 1 SCC 614** and **State of M.P. vs. Narmada Bachao Andolan**, reported in **(2011) 7 SCC 639** and therefore, we are not inclined to entertain the Writ Petition.

5. Accordingly, the Writ Petition is dismissed. However, if at all the petitioner has any grievance, he is at liberty to approach the appropriate forum for redressal of his grievance in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

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



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To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Block Development Officer,
Sankarankovil Panchayat Union,
Tirunelveli District.
- 3.The Deputy Director,
Director of Town & Country Planning,
Tirunelveli,
Tirunelveli District.
- 4.Karivalamvanthanallur Panchayat,
Represented by its President,
Karivalamvanthanallur,
Sankarankovil Taluk,
Tirunelveli District.



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D. KRISHNAKUMAR,J.
and
M.DHANDAPANI,J.

ps

ORDER MADE IN
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DATED : 11.01.2024