



WEB COPY

W.P.(MD)No.22624 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN, J.**

**W.P.(MD)No.22624 of 2024
and
W.M.P.(MD)No.19163 of 2024**

Ammakannu

... Petitioner

-VS-

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Alangudi,
Pudukkottai District.
- 3.The Block Development Officer,
Thiruvarankulam,
Pudukkottai District.
- 4.The President,
Veppankudi Panchayat,
Thiruvarankulam Post,
Pudukkottai District.
- 5.The Village Administrative Officer,
Vepankudi,
Vepankudi Taluk,
Thiruvarankulam Post,
Pudukkottai District.
...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to demolish and remove the dilapidated Overhead Water Tank situated in the property in S.No.193/6 which is

<https://www.dharmapal.com>



W.P.(MD)No.22624 of 2024

classified as Pathway / Cart Track in the revenue records at Vepankudi Village, Alangudi Taluk, Pudukkottai District and shift and construct the new Over Head Water Tank in a different place of the village by considering the petitioner's representation dated 16.08.2024.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

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

The prayer in the writ petition is for removal of the dilapidated overhead water tank and for construction of a new tank.

2. The learned counsel for the petitioner would submit that after filing of the writ petition, the old water tank has been demolished and a new water tank is being put up in the same place. The learned counsel for the petitioner would state that the land in which the water tank is put up is classified as a cart track. Survey No.193/6 is the land in question. We find from the FMB sketch that has been produced that survey No.193/6 is of a large extent and the cart track runs through the middle of it. It is admitted that the demolished water tank existed in the said survey number only. The petitioner cannot compel the Government to shift the water tank to any other location, once the Government has started the work of construction of a water tank in the place where it existed. We do not think we can interfere with the action of the Government.



W.P.(MD)No.22624 o

3. Hence, the writ petition is dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[S.M., J.]

24.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sml

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Alangudi,
Pudukkottai District.

3.The Block Development Officer,
Thiruvarankulam,
Pudukkottai District.

4.The President,
Veppankudi Panchayat,
Thiruvarankulam Post,
Pudukkottai District.

5.The Village Administrative Officer,
Vepankudi,
Vepankudi Taluk,
Thiruvarankulam Post,
Pudukkottai District.



WEB COPY



W.P.(MD)No.22624 of 2024

R.SUBRAMANIAN, J.

and

SUNDER MOHAN, J.

Sml

W.P.(MD)No.22624 of 2024

24.09.2024