



W.P.No.7495 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.7495 of 2021
and W.M.P.No.8016 of 2021

Mr.G.Anthonysamy,
S/o.Gnanaprakasam,
Mettu Street,
Ammaiyappa Nallore Village,
Uthiramerur Taluk,
Kanchipuram District.

...Petitioner

-Vs-

- 1.The District Collector,
Kanchipuram District,
Kanchipuram.
- 2.The Revenue Divisional Officer,
Kanchipuram District,
Kanchipuram.
- 3.The Block Development Officer,
Uthiramerur Taluk,
Kanchipuram District.
- 4.The Village Administration Officer,
Ammaiyappanallur Village,
Uthiramerur Taluk,
Kanchipuram District.
- 5.Mr.Udhaya Suriyan (Contractor),
S/o.Nagan,
Kuzhamparakoil Kammalatheru,
Uthiramerur Taluk,
Kanchipuram District.



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6.Mr.S.James,
S/o.Soosairaj,
Anthonyar Koil Theru,
Ammaiyappa Nallur Village,
Uthiramerur Taluk,
Kanchipuram District.

7.Mrs.Ponni,
W/o.James,
Anthonyar Koil Theru,
Ammaiyappa Nallur Village,
Uthiramerur Taluk,
Kanchipuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st and 2nd respondents to forbear the respondents 3 and 5 from constructing the water tank in front of the petitioner's house entrance situated at Old S.No.12/1B1 Part, New S.No.11/3 of Ammaiappa Nallur Village, Mettu Street, Uthiramerur Taluk, Kanchipuram District and pass such further orders.

For Petitioner : Mr.A.Ilaya Perumal
For R1 to R4 : M/s.P.Aishwarya,
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to forbear the respondents 3 and 5 from constructing the water tank in front of the petitioner's house entrance situated at Old S.No.12/1B1 Part, New S.No.11/3 of Ammaiappa



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Nallur Village, Mettu Street, Uthiramerur Taluk, Kanchipuram District.

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2. The petitioner is residing in a property situated in Old S.No.12/1B1 Part, New S.No.11/3, classified as Village Natham. The petitioner owns 1 cent of land with an additional 0.2 cents left for entrance access. In September 2015, due to interference by the sixth respondent and his wife, Ponni, the petitioner filed a suit in O.S.No.109 of 2015 before the District Munsiff cum Judicial Magistrate, Uthiramerur, and obtained a decree for permanent injunction. Despite this, on 18.11.2020, the fifth respondent, acting as a contractor for the third respondent, attempted to dig the petitioner's entrance area for constructing a water tank, which was again carried out using a JCB machine on 23.11.2020, despite prior assurance from the third respondent that no such construction would be done.

3. Learned counsel appearing for the petitioner submits that the construction of a water tank on the entrance portion of the petitioner's residential land violates her easement rights and peaceful possession. The act was instigated by the sixth respondent and caused serious inconvenience, restricting access to her home and affecting the ability to perform basic household activities. Furthermore, he submits that another affected resident,



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G.Philip Raj, along with his wife, filed O.S.No.34 of 2020 seeking similar relief. The petitioner also gave a representation dated 21.01.2021 and the same was not considered till date. Due to the obstruction, the petitioner is unable to use her vehicle or conduct functions at her residence. Hence, the petitioner approached this Court by way of the present Writ Petition.

4. The Advocate Commissioner has filed a memo dated 04.04.2025, wherein it is stated as follows:

“1. I humbly submitted that in the above writ petition I was appointed as an Advocate Commissioner by this Honourable Court by the order dated 29.04.2025.

2. It is further submitted that initially this Honourable High Court granted Rs.25,000/- (Twenty Five Thousand) as my remuneration.

3. I respectfully submit that I have successfully completed the assigned task with the assistance of my junior advocates. In doing so, I incurred additional expenses, including travel expenses exceeding 90 Km by car.

I humbly pray that this Hon'ble Court may be pleased to grant additional remuneration of Rs.10,000/- (Rupees Ten Thousand Only) and pass such or other orders as this Hon'ble Court may deem fit and thus render justice.”

5. Learned Government Advocate appearing for respondents 1 to 4 submits that the representation of the petitioner dated 21.01.2021 would be considered on merits and in accordance with law, within a time frame stipulated by this Court.



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6. Heard both sides and perused the materials available on record.

WEB COPY

7. This Court is inclined to accept the above memo filed by the Advocate Commissioner and the petitioner is directed to pay a sum of Rs.10,000/- towards additional remuneration to the Advocate Commissioner within a period of two weeks from today.

8. Without going into the merits of the case, the 3rd respondent is directed to consider the representation of the petitioner dated 21.01.2021 to forbear respondents 3 and 5 from constructing the water tank in front of the petitioner's house entrance situated at Old S.No.12/1B1 Part, New S.No.11/3 of Ammaiyappa Nallur Village, Mettu Street, Uthiramerur Taluk, Kanchipuram District after conducting a detailed enquiry by giving due notice to the petitioner as well as to respondents 5 to 7, affording an opportunity of personal hearing, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property

N.MALA, J.

cda/gv

and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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In the result, the writ petition stands disposed of with the above

WEB COPY observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

To

- 1.The District Collector,
Kanchipuram District,
Kanchipuram.
- 2.The Revenue Divisional Officer,
Kanchipuram District,
Kanchipuram.
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