



WEB COPY



W.P.No.11941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.11941 of 2022
and WMP No.11359 of 2022

Manokaran

.... Petitioner

-Vs-

1.The District Collector
Thiruvallur District.
Thiruvallur.

2.The Project Director
District Rural Development
Thiruvallur
Thiruvallur District.

3.The Revenue Divisional Officer
Thiruvallur District
Thiruvallur.

4.The Tahsildar
Thiruvallur Taluk Office
Thiruvallur.

5.The Block Development Officer
Ekkadu Block
Thiruvallur District.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents grant necessary permission / pass appropriate orders to utilize the common Place as a pathway for the Petitioner property situated at Survey No.41 / 12, Thiruvallur District, Thiruvallur Taluk Pakkam (A) Village for the Petitioner to ingress and egress the petitioner own land



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and house situated at Door No.2/129, Old Colony, Pakkam Village and Post Thiruvallur - 602 024 of the same above said village, demarcate the boundaries and consequently direct the respondents not to construct the overhead tank in Survey No. 41/ 7 in the land utilized by the Petitioner approach pathway.

For Petitioner : No appearance

For Respondents : Mr.Mr.R.Gokul Krishnan
Additional Government Pleader
for R1 to R4

Mr.A.M.Ayyadurai
Government Advocate
for R5

ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing the respondents from putting up an overhead tank in the subject property in Survey No.41/7.

2.When this writ petition was entertained, the following order was passed by this Court:

Mr.A.M.Ayyadurai, learned Government Advocate takes notice for the respondents.

2. The memo connected to W.P.No.9000 of 2020 was filed before this Court to the effect that there was no proposal to construct an overhead tank in Sy.No.41/7 in Pakkam Village, Thiruvallur Panchayat Union.

3. Such being the case, the attempt of the authorities to construct an overhead tank is contrary to the interest of the parties.



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4. In view of the same, there shall be an order of interim injunction for a period of six (6) weeks.

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3. When the matter was taken up for hearing today, it was brought to the notice of this Court that at the time when the memo was filed in WP.No.9000 of 2020, there was no proposal for constructing the overhead tank. However, subsequently it was decided to put up an overhead tank and the same was challenged by way of filing a contempt petition in Cont.P.No.1538 of 2022. This contempt petition was disposed of by an order dated 12.08.2022 and the relevant portions in the order are extracted hereunder:

2. This Court vide order dated 25.01.2022 closed the writ petition in W.P.No.9000 of 2020 on the basis of the memo filed on behalf of the Government that neither any overhead tank is constructed nor is there any proposal to construct a overhead tank in the place mentioned by the petitioner. Since the respondents took effective steps to construct overhead tank in S.No.41/7, the petitioner has filed this contempt petition.

3. The learned Additional Government Pleader appearing for the respondents produced a copy of the 'A' record for the perusal of this Court and it reveal that S.No.41/7 has been classified as 'pothu idam'.

4. The learned counsel appearing for the petitioner also concede that S.No.41/7 has been classified as 'pothu idam'.

5. In view of the above, the respondents are entitled to construct overhead tank in S.No.41/7 and no contempt arise and this Contempt Petition is closed.



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4.In the light of the above order, there is no question of once again restraining the respondents from putting up the overhead tank and an issue which has already come to an end in the proceedings initiated by the son, cannot be revived by filing another writ petition by the father. The same will amount to relitigation.

5.In the light of the above discussion, this writ petition stands dismissed.

No costs.

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Index : Yes/No
NCS : Yes/No
KP



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N.ANAND VENKATESH, J.

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