



W.P.No.30470 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.30470 of 2019

T.Kuppusamy

... Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore, Tamil Nadu.

2.The Sub Collector,
Cuddalore.

3.The Tahsildar,
Taluk Office,
Cuddalore.

4.The Block Development Officer,
Cuddalore Panchayat Union,
Cuddalore.

5.Bhagavanthu

6.Bharathi @ Saravanamurugan

7.Tamilarasan

8.B.Shankar

9.S.Srinivasan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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for issuance of a Writ of Mandamus, to direct the respondents 1 & 4 to construct an Over Head Water Tank in the location at New R.S.No.33/9C corresponding to Old R.S.No.16/8, where already motor with water pipe located for drawl of ground water for drinking water supply to the villagers at Rasapalayam Village, Thukkanampakkam Village Panchayat, Cuddalore Taluk and District, forthwith and direct supply of water through water tank pipe lone to the villagers at Rasapalayam Village, Thukkanampakkam Village Panchayat, Cuddalore Taluk and District.

For Petitioner : Mr.M.Baskar
for Mr.C.Kathirudayan

For Respondents : Mr.K.Tippu Sulthan
Government Advocate
for R1 to R3

Mr.R.Gururaj
for R5 to R9

No appearance for R4

ORDER

It is noticed that earlier this Writ Petition was ordered on 27.06.2022, whereby, the following order was passed by this Court which is extracted hereunder:-

15.Considering the above, there is no impediment for the 4th respondent to reconstruct the water tank which was demolished as it was in a dilapidated condition. The land which was gifted by late.Unnamalai Ammal has not been



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cancelled or annul. The pendency of the suit will not any impediment to construct the Over Head Water Tank. Therefore, the second and fourth respondent are directed to proceed further construction after considering the representation of the petitioner.

16.It is needless to state that before passing such order, the private respondents shall be heard before constructing the New Head Water Tank.

17.This Writ Petition is allowed in terms of the above observation. No costs.

2. The aforesaid order was, however, subsequently recalled by an order dated 08.09.2023, at the behest of the private respondents herein who are the legal representatives of late Unnamalai Ammal. The fifth respondent herein is the son of the said Unnamalai Ammal. The rest of the private respondents are the grand children of late Unnamalai Ammal.

3. The learned Government Advocate for the respondents 1 to 3 would submit that the land measuring an extent of 3 cents has been vested with the Government namely the 4th respondent on 30.06.2022. It is further submitted that proposals have been forwarded to proceed with the construction. Although it is informed by the learned counsel for the private respondents that the writ petition in W.P.No.22640 of 2023 is pending at their behest, it is seen that neither an interim order nor relief



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has been granted by this Court in the said writ petition.

4. Considering the same, I see no point to keep this writ petition pending, as the fourth respondent is ready to proceed with the construction. The pendency of the civil suits, which have been instituted by the private respondents either against the petitioner or the fourth respondent, is not relevant for the present in the absence of any interim order of the civil courts. I therefore allow this Writ Petition as prayed for. The fourth respondent is permitted to proceed with the construction.

5. This Writ Petition stands disposed of with the above observations. No costs.

24.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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To



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C.SARAVANAN, J.



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