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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.39911 of 2024

Palanisamy

.. Petitioner

Vs.

1.The District Collector,
Salem,
Salem District.

2.The District Revenue Officer,
Salem,
Salem District.

3.The Block Development Officer (Village Panchayath),
Omalur Taluk,
Salem.

4.The President,
Pagalpatti Village,
Omalur Taluk,
Salem.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st to 4th respondents to remove the mini water tank comprised in the patta land of the petitioner in S.No.5/2B.



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For Petitioner	.. Mr.D.Nanthagopal
For R1 & R2	.. Mr.S.J.Mohamed Sathik, Govt. Advocate
For R3 & R4	.. Mr.E.Ranganayaki, Addl. Govt. Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the 1st to 4th respondents, particularly the 3rd respondent, Block Development Officer, Omalur Taluk, Salem District, to remove the mini water tank in S.No.5/2B, which is the patta land of the petitioner.

2.It is contended by the learned counsel for the petitioner that a mini water tank had been put up by the 4th respondent, the President, Pagalpatti Village, Omalur Taluk, Salem, in the patta land of the petitioner at S.No.5/2B in Pagalpatti Village, Omalur Taluk, Salem District. This had been put up nearly about 15 years back according to the respondents. It is however stated that, the villagers are not using the mini water tank for the past three years. Owing to non-usage of the mini water tank, the same have now become dilapidated and will necessarily have to be removed.

3.A status report had been filed by the Tasildhar, Omalur Taluk, as



directed by this Court. In the status report, it had been stated as follows:

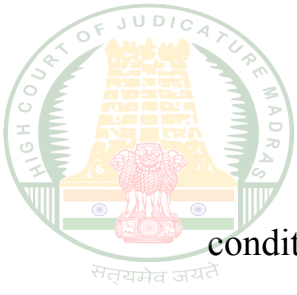
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“7.It is hereby submitted that, following inspection, it was determined that the mini water tank associated with S.No.5/2B, pertaining to the patta land of the petitioner, has not been utilized by the villagers for the past three years. It is noted that the villagers do not access the mini water tank located on the petitioner's land; instead, they are benefiting from the Upper Water Tank in the aforementioned village.

8.The mini water tank, located on the patta land identified as S.No.5/2B, is reported to be in a state of disrepair and no longer serves a functional purpose for the villagers. It appears that the tank has fallen into dilapidation and is not being utilized by the community for their water needs. In the light of this condition, it has been decided that the tank will be removed in compliance with legal regulations. This process will ensure that all necessary protocols are followed for the proper decommissioning and removal of the structure.”

4.This Court places its deep appreciation for the Tashildar, Omalur Taluk, Salem District, for having understood the scope of the Writ Petition and coming forward in presenting the correct facts before this Court.

5.The aforementioned status report is taken into consideration and a direction is given that the mini water tank which is already in a dilapidated



condition and is not being utilized by the community for water has to be removed within a period of three months from the date of receipt of a copy of this order. The cost of such removal may be borne by the petitioner herein.

6. With the above observations, this Writ Petition stands disposed of.

No costs.

21.01.2025

Index: Yes/No
Internet: Yes/No
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To

1. The District Collector,
Salem,



Salem District.

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Salem District.

3. The Block Development Officer (Village Panchayath),
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4. The President,
Pagalpatti Village,
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C.V.KARTHIKEYAN,J.

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