



W.P.(MD) No.5466 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.5466 of 2022

and

W.M.P.(MD) No.4426 of 2022

P.Rasu @ Sadayappan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Block Development Officer,
Palani Panchayat Union Office,
Palani, Dindigul District.
- 3.The Tahsildar,
Taluk Office, Palani Taluk,
Dindigul District.
- 4.The President,
Melkaraipatti Village Panchayat,
Melkaraipatti Post,
Palani Taluk, Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus forbearing the respondents herein from in any way proceeding with the construction of water tank with the



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pump sets in respect of the land comprised in Survey No.101 situated at Melkaraipatti Village, Palani Taluk, Dindigul District by considering the petitioner's representations dated 10.03.2022 and 14.03.2022.

For Petitioner : Mr.B.Fazil Kirmani
For R1 & R3 : Mr.G.Suriyananth
Additional Government Pleader
For R2 & R4 : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition seeks for a mandamus forbearing the respondents from putting up a water tank on the land comprised in Survey No.101 situated at Melkaraipatti Village, Palani Taluk, Dindigul District.

2. The petitioner claims that he is the adjacent owner of the subject government land with the right of access to the main road through the said land. As the Government has proposed to put up a water tank on the property belonging to it, the petitioner was constrained to file this Writ Petition.

3. When the Writ Petition came up for hearing, Mr. G. Suriyananth, Additional Government Pleader, representing the first and third



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respondents, produced records to prove that the water tank has since been constructed, completed, and commissioned. That being the position, the mandamus sought for by the petitioner cannot be granted. Apart from that, unless and until the construction by the Government is in violation of any statute, regulation, or rules, it cannot be prevented from utilizing the property for any public good. If the petitioner has any civil rights claiming an easement of necessity or by grant or otherwise, his remedy lies exclusively before the competent Civil Court and not by way of this Writ Petition.

4. In the light of the above discussion, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.02.2025

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

JEN

Copy To:

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V.LAKSHMINARAYANAN, J.

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