



W.P.(MD)No.22256 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.22256 of 2022

Nellai District Common Welfare Organisation,
Rep.by is President, M.Pal Annadurai,
No.2, Tiruchendur Road,
Murugankurichi, Palayamkottai-627 002.
-Vs-

...Petitioner

- 1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Seevalaperi Road, Shanthi Nagar,
Palayakmottai,
Tirunelveli District.

- 3.C.Karunanidhi Pandian
- 4.Chellaiah Devar

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to construct a compound wall around the overhead water tank in T.S.No.2002, Block No.23, Ward No.1 in Murugankurichi, Palayamkottai, Tirunelveli District.



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W.P.(MD)No.22256 of 2022

For Petitioner : Mr.D.Venkatachalam
For R1 : Mr.S.P.Maharajan
Standing Counsel
For R2 : Mr.R.Satheesh
Standing Counsel
For R3 : Mr.Aayiram K.Selvakumar

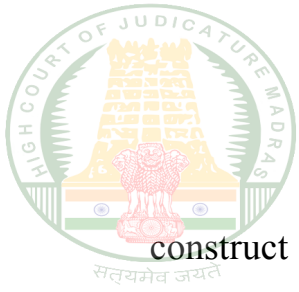
ORDER

(Order of the Court was made by **S.SRIMATHY, J.**)

This writ petition is filed seeking a direction to the first respondent to construct a compound wall around the overhead tank in the petition mentioned property.

2.The grievance of the petitioner is that the first respondent is maintaining the overhead tank in the subject property. Since some anti-social elements are misusing the said place, the petitioner made a representation before the authorities concerned seeking to construct a compound wall around the said overhead tank. Since the same was not considered, the petitioner has filed this writ petition.

3.The learned Standing Counsel appearing for the first respondent submits that the land, in which the petitioner seeks to construct the compound wall is classified as Kalathumedu. When the official respondents tried to



W.P.(MD)No.22256 of 2022

construct the compound wall around the overhead tank considering the representing of the petitioner, the respondents 3 and 4 have filed a suit in O.S.No. 287 of 2003 on the file of the Principal District Munsif Court, Thiruchendur for permanent injunction and obtained a decree in their favour. Hence, the authorities are not able to construct the compound wall.

4.Admittedly, with regard to the property in question, a decree of permanent injunction is operating. Hence, the relief sought for by the petitioner cannot be considered in a writ petition under Article 226 of the Constitution of India. If at all the petitioner is aggrieved, he is always at liberty to file a suit before the competent civil Court seeking appropriate relief. Accordingly, this writ petition is dismissed. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
24.03.2025

Index : Yes/No
Internet : Yes/No
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To

- 1.The Commissioner,
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W.P.(MD)No.22256 of 2022

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and
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W.P.(MD)No.22256 of 2022

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