

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.69 OF 2022
AND W.M.P.NO.60 OF 2022

M.Paramasivam

... Petitioner

Vs.

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Superintending Engineer,
Tamil Nadu Water & Drainage Board,
Cuddalore, Cuddalore District.
3. The Executive Engineer,
Tamil nadu Water & Drainage Board,
Rural Water Supply Division,
Cuddalore 1, Cuddalore District.
4. The Assistant Executive Engineer,
Tamil Nadu Water & Drainage Board,
Sub Division 2, Rural Water supply Division,
Cuddalore 1, Cuddalore District.
5. The Assistant Engineer,
Tamil Nadu Water & Drainage Board,
Rural Water Supply Division,
Make Avenue, Cuddalore 1,
Cuddalore District.
6. The President,
Avatti Village Panchayat,
Avatti Village & Post 606 108,
Tittagudi Taluk,
Cuddalore District.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from digging or constructing combined water supply scheme booster station situated in S.No.269/6, Avatti Village, tittagudi Taluk, Cuddalore District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

O R D E R

The present petition has been filed for issuance of writ of Mandamus forbearing the respondents from digging or constructing combined water supply scheme booster station situated in S.No.269/6, Avatti Village, tittagudi Taluk, Cuddalore District.

2. The case of the petitioner is that his mother owned patta land situated in various survey numbers, Avatti Village and Post, Tittagudi Taluk, Cuddalore District to the extent of 2.65 acres and after his mother's death, the petitioner is cultivating the agricultural crops in the said land and he is having to reach his land through the land in S.F.No.269/6 and however subsequently, the land in the said survey number was handed over to the District Health and Family Welfare Department. But the local panchayat office without handing over the said land to the District Health and Family Welfare Department, have taken steps to hand over the same to the Tamil Nadu Water and Drainage Board and the said Board in turn inspected the spot and made attempt to dig and construct the Combined Water Supply Scheme Booster Station. It is the grievance of the petitioner that since the said Booster Station was under construction, the entire access to reach the petitioner's land is prevented. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the local politicians influenced the panchayat to construct the said Booster Station, due to which, the entire cultivation will be spoiled, since the petitioner cannot enter to his lands except through the land in said S.F.No.269/6 and hence prays for appropriate orders of this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that already 45% of the work has been completed for construction of the Combined Water Supply Scheme Booster Station and further in order to protect the ingress and egress of the petitioner's land, a road having 200 feet width and 150 feet length was allocated and hence the grievance sought for by the petitioner in the present petition has been answered and prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. It is seen from the communication dated 04.01.2022, produced before this Court that the road having 200 feet width and 150 feet length has been allocated as pathway for the general public use and hence nothing survives for further adjudication as the relief sought for by the petitioner has been answered. Accordingly, this petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District, Cuddalore.
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Rural Water Supply Division,
Cuddalore 1, Cuddalore District.

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Make Avenue, Cuddalore 1,
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6. The President,
Avatti Village Panchayat,
Avatti Village & Post 606 108,
Tittagudi Taluk,
Cuddalore District.

+1cc to the Government Pleader, S.R.No.1631

W.P.No.69 of 2022

NMI (CO)
PM/28/02/2022