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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 1021 of 2023

1. Malarvizhi
2. G. Mani

..Appellant(s)

Vs

1. R. Thirumala
W/o. Mr. L. Kumarasamy, No.1, Sannadhi
Street, Athur Village and Post 603 101,
Chengalpattu Taluk and District
2. The District Collector
Chengalpattu 603 111
3. The District Revenue Officer
Chengalpattu
4. The President
Athur Village Panchayat, Kattankulathur
Panchayat Union, Kattankulathur ,
Chengalpattu Taluk and District
5. The Block Development Officer



Kattankulathur Panchayat Union,
Kattankulathur,
Chengalpattu Taluk and District

6. The Public Health Officer
Collectorate Office, Chengalpattu 603 111,
Chengalpattu Taluk and District

..Respondent(s)

To set aside the order in WP.No. 24160 of 2022 dated 22.02.2023
passed by the this Court.

For Appellant(s): Ms.P. Uma

For Respondent(s): Ms.R.Agilesh, For R1
Dr.S.Suriya, Agp For Rr2 -6

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present Intra-Court appeal has been instituted challenging the writ
order dated 22.02.2023 passed in WP.No.24160 of 2022.

2. The said writ petition was filed by the 1st respondent R.Thirumala to
forbear the appellants herein from proceedings with further construction work
of septic tank near to the borewell of the 1st respondent.

3. Writ Court considered Rule 54(2)(b) of the Tamil Nadu Combined
Development and Building Rules, 2019 and referred the inspection report
dated 17.02.2023. As per the report, the writ appellants herein have
constructed a septic tank within 7 feet distance from the borewell of the 1st

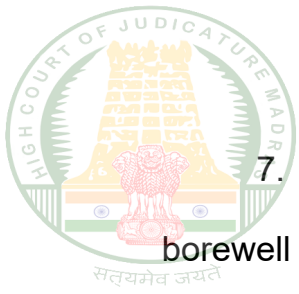


respondent. That apart, septic tank has been put up contrary to the building plan permission granted. Thus, Writ Court passed an order directing the official respondents to take action against the writ appellants within a period of one month. Thus, the present Intra-Court appeal came to be instituted.

4. It is contended on behalf of the appellants that a separate writ petition in WP.No.3362 of 2024 has been filed for declaration to declare Section 32(1) (a) of the Tamil Nadu Public Health Act, 1939 as unconstitutional. As far as the present writ appeal is concerned, it is contended that there is no possibility of keeping the minimum distance of 50 feet as stated by the authority. Therefore, the circumstances prevailing in the field is to be taken into consideration, since it is a septic tank, which is essential.

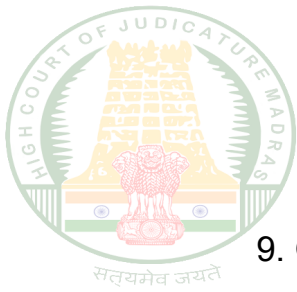
5. Learned counsel for the respondents 2 to 6 would oppose by stating that, even as per the building plan permission granted, writ appellants have violated the same and constructed septic tank within the prohibited distance. Therefore, authorities have initiated action based on the writ order dated 22.02.2023, passed in WP.No.24160 of 2022.

6. This Court heard the arguments advanced on behalf of parties to the lis.



7. As far as the distance to be maintained between septic tank and borewell is concerned, authorities while sanctioning building plan permission considered the same, and consequently granted approval. In the present case, building plan permission was obtained by the appellants. However, they have violated the building plan permission and constructed borewell within the prohibited distance. As per the inspection report, distance between the septic tank belongs to the appellant and borewell belongs to the 1st respondent is 7 feet. Thus, there is a possibility of contamination of drinking water. Therefore, a complaint has been launched by the 1st respondent for removal of septic tank.

8. When there is a possibility to construct a septic tank as per the building plan permission, the appellants constructed septic tank in a different place, which is found to be situated in a prohibited distance. Therefore, the appellants have to relocate the septic tank and construct the same, as per the building plan permission or in alternate submit a revised plan permission, which should be in consonance with the Rules applicable. In the event of failure, authorities are bound to initiate appropriate action to maintain the distance as contemplated under the Rules and to protect the water resources in that locality.



9. Granting liberty to the appellants to relocate the septic tank as per the building plan permission, the present writ appeal stands dismissed. No costs.

Consequently, the connected miscellaneous petitions, if any, are closed.

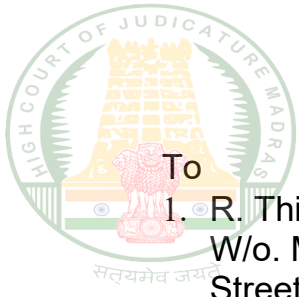
(S.M.S.,J.) (C.K.,J.)
21-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

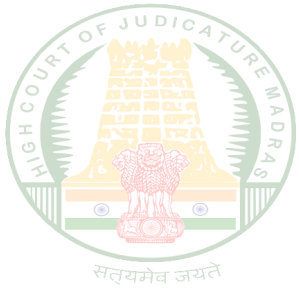
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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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