



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Seventeenth day of March Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

WP(MD) No.5810 of 2023

SUNDARI .M

... PETITIONER

Vs

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION DEPARTMENT,
ST.GEORGE FORT, CHENNAI 9

2 THE COMMISSIONER
MADURAI CORPORATION, MADURAI

3 THE ASSISTANT COMMISSIONER
VTH REGION MADURAI CORPORATION, PASUMALAI,
MADURAI

4 THE ASSISTANT ENGINEER
VTH REGION MADURAI CORPORATION, PASUMALAI,
MADURAI

5 ELANGO VAN.G

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue of Writ of Mandamus forbearing the respondents from digging out any public borewell and constructing public water tank in the petitioners private property in S.F.No. 470/2-I (T.S.No. 2/2-I) maintained by the revenue authorities situated at Pasumalai, Thirupparankundram Taluk, Madurai District.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ARIVALAGAN.S, Advocate for the petitioner and of Mr.D.S.NEDUNCHEZHIAN, Government Advocate on behalf of the 1st Respondent and Mr.K.K.KANNAN, Standing Counsel for the respondents 2 to 4, the Court made the following order:-

Mr.D.S.Nedunchezhan, learned Government Advocate takes notice on behalf of the first respondent. Mr.K.K.Kannan, learned Standing Counsel takes notice on behalf of the second, third and fourth respondents.



3. Specifically, I am not issuing notice to the fifth respondent in the present.

3. Let a counter be filed. It is the contention of the learned counsel for the petitioner that a bore-well is now being attempted to be dug up, whereas, the learned counsel for the Corporation stated that there is already an existing bore-well. There being two divergent views on these facts, let further records be produced by both the sides particularly, the records relating to the suit which is said to be pending and by the respondents if there is already a bore-well, usage of water from that particular bore-well as on date.

4. Let the records be produced. List the matter once again on 30.03.2023.

5. Let the respondents further not prevaricate the entire issue, but await further orders of this Court.

sd/-

17/03/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION DEPARTMENT,
ST.GEORGE FORT, CHENNAI 9
- 2 THE COMMISSIONER
MADURAI CORPORATION, MADURAI
- 3 THE ASSISTANT COMMISSIONER
VTH REGION MADURAI CORPORATION, PASUMALAI,
MADURAI
- 4 THE ASSISTANT ENGINEER
VTH REGION MADURAI CORPORATION, PASUMALAI,
MADURAI

ORDER

IN

WP(MD) No.5810 of 2023

Date :17/03/2023

SS/BUC/SAR II/21/03/2023/2P/5C