



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM :

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

WP(MD) No.2690 of 2023

M.Kanmani

... Petitioner

VS.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Commissioner,
Madurai Corporation, Madurai.

4.The Executive Engineer,
PWD/WRO, Madurai.

5.The Assistant Engineer,
PWD/WRO, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents, particularly, the respondents 4 & 5 to construct the permanent water channel in the existing



water channel comprised in S.No.37, 38, 39 and 45 in Uthangudi Village, after desilting and removing encroachments therein, for the purpose of discharging and drain out the overflowing water from the pond Viz "Periakanmoi".

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R1, R2, R4 and R5

Mr.K.K.Kannan for R3

ORDER

Heard both sides.

2.The status report filed by the Assistant Engineer, WRD, Periyar Main Canal Section, Madurai reads as follows :

"3.I submit that the Uthangudi Kanmoi is situated in Uthangudi village and the surplus from the tank reaches the Vandiyur Kanmoi which is in the downstream through the surplus channel of Uthangudi tank which is about 12 to 25m width. Due to urbanisation there is no irrigation out of this tank and so no water is supplied for irrigation to this tank.



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4.I submit that only during rainy season the surplus from the upstream tanks and water drained from the catchment areas reaches this tank.

5.I submit that the Surplus Channel nowadays used up as the drainage channel by the Commercial buildings, Hotels, Hospitals and residential buildings in this area. So during rainy season the channel cannot withstand both maximum discharge from the tank and drainage from this area, gets overflowed over the channel bund to the neighbouring areas.

6.I submit that the said survey number by the petitioner viz SF no 37,38,39 and 45 of uthangudi Village will be surveyed and Form I will be received with the help of Tahsildhar, Madurai East Taluk, Madurai District

7.I submit that if any encroachments is belonging to Water Resources Department and is liable for eviction under Section 6 and Section 7 of the Tamil Nadu Protection of Tanks and Eviction of encroachment Act, 2007, the encroachment in SF No 37,38,39 and 45 will be evicted soon as per legal formalities.”

3.It is admitted by the official respondents that on the petition-mentioned channel there are encroachments. The respondents are directed to take action to remove the encroachments without any delay. Due process



of law will be followed. The entire exercise shall be completed within a period of five years from the date of receipt of copy of this order.

4.This writ petition is allowed accordingly. No costs.

(G.R.S, J.) & (B.P, J.)
07.11.2023

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To

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G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.

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