



Cont.P(MD)No.1787 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.1787 of 2023
in
W.P(MD)No.26163 of 2022

Raju

... Petitioner/Petitioner

Vs.

- 1.Mr.Manivasan,
The Principal Secretary,
Public Works Department,
State of Tamil Nadu,
Fort St. George, Chennai.
- 2.Mr.Ramamoorthi,
The Engineer in Chief (Water Resources Organization)
and Chief Engineer,
Public Works Department,
Chepauk,
Chennai – 600 005.
- 3.Mr.Durai Ravichandran,
The District Collector,
Office of the District Collector,
Tenkasi District.
- 4.Mr.Palani Velusamy,
The Thasildar,
Office of the Thasildar,
Sivagiri, Tenkasi District.



Cont.P(MD)No.1787 of 2023

5.Mr.P.Dhanalakshmi,
The Executive Engineer,
PWD, WRO,
Upper Vaippar Basin Division,
Rajapalayam,
Virudhunagar District.

6.Mr.P.Pramlatha,
The Assistant Executive Engineer(PWD),
Upper Vaippar Basin Division,
Sankarankovil,
Tenkasi District.

7.Mr.Rajasekar,
The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Tenkasi Division,
Tenkasi District.

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings against the contemnors/respondents for their willful disobedience of the order of this Court in W.P(MD)No.26163 of 2022, dated 18.11.2022 and punish them under the Contempt of Courts Act.

For Petitioner	:Mr.R.Alagumani
For Respondents	:Mr.J.K.Jeyaselan, Government Advocate



WEB COPY



Cont.P(MD)No.1787 of 2023

ORDER

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

Alleging willful disobedience of the order of this Court made in W.P(MD)No.26163 of 2022, dated 18.11.2022, the petitioner has filed this contempt petition.

2. The petitioner filed a writ petition seeking for issuance of a Writ of Mandamus, directing the respondents to survey and remove the encroachment made in Etticheri and Idayankulam water canals situated at Thenmalai Part I and II Village, Sivagiri Taluk, Tenkasi District and to restore the canals which bring water from Tenmalaikkulam Water Tank / Kanmoi in accordance with law. This Court disposed of the said writ petition with the following direction:

“4. The allegation of the petitioner that water canals have been encroached is proved by the proceeding of the Tahsildar - 4th respondent in Na.Ka.No.Aaa.5/1493/2021, dated 10.01.2022, addressed to the Assistant Executive Engineer (PWD) - respondent. Despite the same, the authorities are not proceeded for removal of the encroachments. The said



Cont.P(MD)No.1787 of 2023

act of the authorities cannot be countenanced. In view of the above, the respondents are directed to remove the encroachments, in the light of the proceedings of the 4th respondent addressed to the 6th respondent in Na.Ka.No.Aaa.5/1493/2021, dated 10.01.2022, after issuing notice and affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

3. Though the prayer in the writ petition was to remove the encroachment and to restore the canals, direction was issued only to remove the encroachment in the light of the earlier proceedings of the Tahsildar concerned.

4. This Court does not find any specific direction regarding restoration of canals. However, it is now reported before this Court by the learned Government Advocate that the encroachments, which were identified in Survey Nos.494/1 and 494/2 of Thenmalai Part I Village, had been removed and the encroachers had been warned not to cultivate any crops in the land in which the canals were in existence. It is also stated that Idayankulam canal is being maintained by the Rural Development & Panchayat Raj Department.



Cont.P(MD)No.1787 of 2023

WEB COPY

5. In such circumstances, this Court finds that the respondents have complied with the orders of this Court in its letter and spirit. Therefore, this contempt petition is closed with an observation that the respondents shall ensure maintenance of water canals as they exist without giving room for anyone to encroach the same.

[S.S.S.R., J.] [D.B.C., J.]
13.09.2023

Index : Yes / No

NCC : Yes/No

pm

To

- 1.The Principal Secretary,
Public Works Department,
State of Tamil Nadu,
Fort St. George, Chennai.
- 2.The Engineer in Chief (Water Resources Organization)
and Chief Engineer,
Public Works Department,
Chepauk,
Chennai – 600 005.
- 3.The District Collector, Office of the District Collector,
Tenkasi District.
- 4.The Thasildar, Office of the Thasildar,
Sivagiri, Tenkasi District.



Cont.P(MD)No.1787 of 2023

- 5.The Executive Engineer,
PWD, WRO,
Upper Vaippar Basin Division,
Rajapalayam,
Virudhunagar District.
- 6.The Assistant Executive Engineer(PWD),
Upper Vaippar Basin Division,
Sankarankovil,
Tenkasi District.
- 7.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Tenkasi Division,
Tenkasi District.



WEB COPY



Cont.P(MD)No.1787 of 2023

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

Cont.P(MD)No.1787 of 2023

13.09.2023