



W.P.(MD)No.17726 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.17726 of 2023
and
W.M.P.(MD)No.14801 of 2023**

Chellapandi

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Block Development Officer,
Melur Panchayat Union,
Union Office,
Melur,
Madurai.
- 3.The Panchayat President,
Arittapatti Panchayat,
Melur Taluk,
Madurai.
- 4.The Executive Engineer,
Periyar – Vaigai Basin Division,
Public Works Department,
Melur Taluk,
Madurai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent to remove the bath tub by obstructing the water flow from Anaikondankulam to Katharkulam through PWD Channel in S.No.256/2 of Arittapatty Village and construct the same on the poromboke lands available in the Arittapatty village and also direct the respondents 2 to 4 to restore the PWD Channel in S.No.256/2 of Arittapatty Village and to ensure free flow of water through the channel in all the seasons.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ prayer is in two parts. The petitioner wants the bath tub put up by the local body to be removed. He alleges that it has been put up on a water body. He also seeks restoration of the PWD channel in Survey No.256/2, Arittapatty Village.

3. When the matter was taken up for hearing, the learned Special Government Pleader on written instructions submitted that bath tub has been



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constructed only in Survey No.256/3 which has been classified as “Government poramboke”. Therefore, the first part of the prayer is rejected.

4. No exception can be taken to the other part of the prayer. We went through the A-Register entries. Survey No.256/2 has been classified as “PWD channel”. The channel cannot be obliterated. It has to be maintained as such. We direct the respondents to ensure that the channel referred to the A-register as comprised in Survey No.256/2 shall be restored and maintained as such for all times to come.

5. This writ petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
27.07.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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and

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