



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.6838 of 2013 and

MP(MD).NO.1 of 2013

P.Kumaran

... Petitioner

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Commissioner,
Land Reforms, Chepauk, Chennai-600 005

3. The Executive Engineer,
Public Works Department (WRO),
Thanjavur.

4. The Revenue Divisional Officer
Thanjavur.

5. The President,
Vallam Pudur Panchayat,
Vallam Pudur,
Thanjavur Taluk & District.

6. Chinnaponnu

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to take possession and maintain the Koothakudi Lake (Eari) in Survey No.420 in Vallam Pudur Village Thanjavur Taluk and District by rectifying the mistake entered in the Revenue Records and cancelling the Patta granted in favour of the husband of the 6th respondent so as to enable the agriculturists to utilize the water stored in the lake for agriculture and other purposes.

For Petitioner : Mr.G.Thalaimutharasu

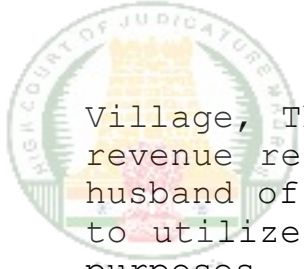
For Respondents 1-5 : Mr.B.Pugalenthi,
Special Government Pleader.

For 6th Respondent : Mr.S.Arunraj

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has come forward with this writ petition, seeking for a direction to the respondents to take possession and maintain Koothakudi Lake (Eari) in Survey No.420 in Vallam Pudur



Village, Thanjavur Taluk by rectifying the mistake entered in the revenue records and cancelling the patta granted in favour of the husband of the sixth respondent so as to enable the agriculturists to utilize the water stored in the lake for agriculture and other purposes.

2.The relief sought for by the petitioner in this writ petition to cancel the patta granted in favour of the sixth respondent's husband cannot be granted as such. As the issue has already been decided by the authorities, it is for the authorities to decide the same in accordance with law. Therefore, the question of removal or taking possession does not arise. At this stage, we are not inclined to pass any direction in public interest except to give liberty to the authorities to proceed in accordance with law.

3.With the above observation, the writ petition is dismissed. No costs. Consequently, M.P.(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The Commissioner,
Land Reforms, Chepauk,
Chennai-600 005
3. The Executive Engineer,
Public Works Department (WRO),
Thanjavur.
4. The Revenue Divisional Officer
Thanjavur.
5. The President,
Vallam Pudur Panchayat,
Vallam Pudur,
Thanjavur Taluk & District.

+ 1 CC TO M/S.G.THALAIMUTHARASU, ADVOCATE IN SR NO. 47832

SMS

TE/NGM-SS/ 16/09/2015 2P/7C