

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8168 of 2016

Muniyan

.. Petitioner

Vs.

1. The District Collector,  
Villupuram, Villupuram District.
  2. The Commissioner,  
Water Resource and Irrigation Board,  
Chennai.
  3. The Revenue Divisional Officer,  
Thirukovilur, Villupuram District.
  4. The Tahsildar, Ulunthurpet, Villupuram District.
  5. The Executive Engineer,  
Public Works Department Office,  
Ulunthurpet, Villupuram District.
  6. Murugan
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 27.01.2016 for regularisation of water channel as per FMB sketch to the petitioner's cultivating land in Survey No.232/1 situated at Kattuedaiar Village, Ulunthurpet Taluk, Villupuram District.

For Petitioner : Mr.S.Kumaresan  
For Respondents : Mr.S.Pattabiraman,  
Govt. Advocate for RR-1 to 5

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 27.01.2016 for regularisation of water channel as per FMB sketch to the

petitioner's cultivating land in Survey No.232/1 situated at Kattuedaiar Village, Ulunthurpet Taluk, Villupuram District.

2. It is the case of the petitioner that he is residing in the above said Village from time immemorial and cultivating in Nanja land in Survey No.232/1 of an extent of 38 cents. The water flows from the lake canal, via the land of the sixth respondent who is having land on the upper side of the petitioner's property, in Survey Nos.227/3, 232/5 and 235/3. It is the grievance of the petitioner that the sixth respondent, along with his henchmen, diverted the irrigation channel--Kaalvai, sub-channel--Kilai Kalvai, which takes water from the main channel to the petitioner's land, due to which, the petitioner's land gets destroyed. The Revenue Records, namely FMB sketch clearly reflects the water channels. The sixth respondent filed a suit in O.S.No.232 of 2015 before the Principal District Munsif Court, Ulunthurpet, for permanent injunction in respect of the water channels, restraining the petitioner herein from interfering with the removal of the obstruction. The petitioner made a representation to the respondents 1 to 3 on 19.10.2015, for which, the first respondent issued receipt. Thereafter, on 30.12.2015, the first respondent issued proceedings by directing the third respondent to take appropriate action on the petitioner's representation. The petitioner has also filed a petition under Section 145 Cr.P.C. to the third respondent for removal of the encroachment and injunction restraining the sixth respondent. Subsequently, the petitioner also sent a representation on 27.01.2016 to the respondents 1 to 5 to take necessary steps for regularisation of the water channel by removing the encroachment. Since the said representation, dated 27.01.2016 is pending, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. In view of the order that is going to be passed in this Writ Petition, it is not necessary to give notice to the sixth respondent.

5. Hence, considering the limited scope of the prayer made in the Writ Petition, without going into the merits of the case, this Court directs the fourth respondent-Tahsildar to consider the said representation, dated 27.01.2016 of the petitioner and after giving an opportunity of personal hearing to the petitioner and necessary parties, including the sixth respondent, pass appropriate orders and dispose of the said representation, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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Copy to

1. The District Collector,  
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2. The Commissioner,  
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Chennai.
3. The Revenue Divisional Officer,  
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4. The Tahsildar, Ulunthurpet, Villupuram District.
5. The Executive Engineer,  
Public Works Department Office,  
Ulunthurpet, Villupuram District.

+1 cc to the Government Pleader HighCourt, Madras  
sr.14320

+1 cc to Mr.S.Kumaresan Advocate sr.14113

सत्यमेव जयते

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