



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.14714 of 2014

and

M.P.(MD).No.1 of 2014

R.Mahalingam

.. Petitioner

Vs.

1.The District Collector,
Collector Office,
Ramnad District.

2.The Executive Engineer, PWD,
Paramakudi,
Ramnad District.

3.The Tahsildar,
Tahsildar Office,
Thiruvadanai,
Ramnad District.

4.Alagar

5.Muthazhugu

6.Thambiraju

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 and restraining the respondents 4, 5 and 6, their men and agent from interfering the petitioner's village right, possession and enjoyment over the entire Survey Number 235 to the extent of 11.36.0 hectares land of Thiruvadanai Village communal land (mayanam temple Vandipathai Athiyur Varuthukkal (channel) and Thiruvadanai Village Porampoke which was handing over to the Thiruvadanai Panchayat vide proceedings in Dis. 31759/1960 dated 02.11.1960 by the office of the Estate Manager, Ramnad, through the Special Thasildar, Thiruvadanai and furthermore direct the respondents 1 to 3 to restrain the respondents 4, 5 and 6, their men and agent from interfering the petitioner's right over the Athiyur varathukal (channel) water flow to their village water tanks namely Thiruvadanai Kanmai, Susaini Kanmai, Manikandi Kanmai.

For Petitioner

: Mr.R.Rajaraman

For respondents 1 to 3

: Mr.Aayiram K.Selvakumar,
Government Advocate

For 4th respondent

: No appearance

For respondents 5 & 6

: Mr.K.Mumaravel

**O R D E R**

[Order of the Court was made by **M.V.MURALIDARAN, J.**]

The land in Survey No.235 to an extent of 11.36.0 hectares at Thiruvadanai Village, Ramanathapuram District, is, as per the Government records, a promboke land vested with Thiruvadanai Village Panchayat. According to the petitioner, the respondents 4 to 6 belong to different villages and they are likely to claim right over the said land and to interfere with the right of the village panchayat of Thiruvadanai. With this apprehension, he has come up with this Writ Petition seeking a direction to the respondents 1 to 3 to restrain the respondents 4 to 6 and their men from interfering with the right, possession and enjoyment of the Village Panchayat of Thiruvadanai.

2.We have heard the learned counsel appearing for the respondents. We have also perused the records carefully.

3.The learned counsel appearing for the respondents 4 to 6 would submit that the respondents 4 to 6 did not claim any right over the said land and they are not going to occupy the said land at all. But, at the same time, the Village Panchayat of Thiruvadanai should not interfere with their irrigation rights through Athiyur Channel. The said statement is recorded.

4. The records available before us would go to show that the land in Survey No.235 at Thiruvadanai has been classified as Village communal land and it stands vested with the said Panchayat. Therefore, it is for the Panchayat to use the said land for the purpose for which it is earmarked. The respondents 4 to 6 shall not interfere with the same. At the same time, the irrigation rights of the other villagers through Athiyur channel shall not be disturbed by the petitioner also.

5.With the above direction, the Writ Petition is disposed of No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,

Collector Office,

Ramnad District.



2.The Executive Engineer, PWD,
Paramakudi,
Ramnad District.

3.The Tahsildar,
Tahsildar Office,
Thiruvadanai,
Ramnad District.

+1cc to Mr.K.Kumaravel, Advocate in SR No.71552
+1cc to Mr.R.Rajaraman, Advocate in SR No.71516
+1cc to the Spl.Govt.Pleader in SR No.71641

Order made in
W.P. [MD].No.14714 of 2014
22.11.2016

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anr/km/21.12.2016/3p/7c