



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.4116 of 2015
and
M.P.(MD).No.1 of 2015

R.Palanichamy

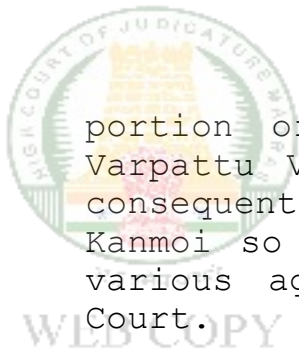
.. Petitioner

Vs.

1. The District Collector,
Pudukkottai District.
2. The Assistant Director,
Rural Development,
Pudukkottai.
3. The Commissioner,
Panchayat Union,
Ponnamaravathi Panchayat Union Office,
Pudukkottai.
4. The Block Development Officer,
Ponnamaravathi Panchayat Union Office,
Pudukkottai.
5. The Tahsildar,
Ponnamaravathi Taluk Office,
Pudukkottai District.
6. The Assistant Executive Engineer,
Public Works Department,
Pudukkottai.
7. The President,
Ponnamaravathi Village Panchayat,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents herein from in any laying any pathway from the middle



portion of the B-Kulam Kanmoi, situated in Survey No.582, of Varpattu Village, Ponnamaravathi Taluk, Pudukkottai District and consequently direct the respondents to clean the above B Kulam Kanmoi so as to have free flow of water from the said Kanmoi to various agricultural fields within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu
For respondents 1 to 7 : Mr.S.Chandrasekar,
Government Advocate

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner is an Ayyakatdhar, having irrigation right to draw water from B-Kulam Kanmoi, situated in Survey No.582 at Varpattu Village, Ponnamaravathi Taluk, Pudukkottai District.

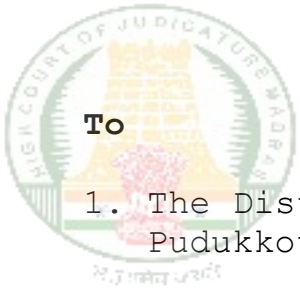
2.The grievance of the petitioner is that the 7th respondent has laid a Thar road across the said Kanmoi and in the middle of the same. Thus, according to the petitioner, that would be detrimental for the storage of water in the Kanmoi and it would affect the irrigation right of the beneficiaries.

3. The learned Government Advocate on instructions from the respondents would submit that already the road has been laid by the 7th respondent. But, there is no dispute that it has been laid across the Kanmoi. The photographs filed by the petitioner would also vouch for the same.

4. In our considered view, the action of the 7th respondent in laying road across the Kanmoi is illegal and therefore, the same cannot be ratified by this Court. The respondents are duty bound to remove the road across the Kanmoi and restore the original position so as to sustain the water storage capacity of the Kanmoi and to protect the interest of Ayyakatdhars. In such view of the matter, the road laid by the 7th respondent is liable to be removed forthwith.

5. In the result, this Writ Petition is allowed with a direction to the District Collector, Pudukkottai District, to ensure the removal of the road laid across B-Kulam Kanmoi within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)



To

1. The District Collector,
Pudukkottai District.
2. The Assistant Director,
Rural Development,
Pudukkottai.
3. The Commissioner,
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Pudukkottai.
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Pudukkottai District.
6. The Assistant Executive Engineer,
Public Works Department, Pudukkottai.
7. The President,
Ponnamaravathi Village Panchayat,
Pudukkottai District.

+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 69654

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69759

GCG

TE/GSV-PM : 30/11/2016 : 3P/10C

Order made in
W.P. [MD].No.4116 of 2015
and
M.P. (MD) .No.1 of 2015
16.11.2016