



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2016

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.18283 of 2016

S.Jeyakumar

... Petitioner

-vs-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Revenue Divisional Officer
Sathiyapuram, Sivakasi
Virudhunagar District

3.The Tahsildar
Srivilliputhur Taluk
Virudhunagar District

4.The Block Development Officer
Srivilliputhur Taluk
Virudhunagar District

5.The Panchayat President
Mallipudur
Srivilliputhur Taluk
Virudhunagar District

6.Natarajan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents No.1 to 4 to remove the encroachment made by the 6th respondent who try to block the water channel and convert it as common pathway situated at Mallipudur Village, Srivilliputhur Taluk, Virudhunagar District based on the petitioner's representation, dated 29.08.2016 according to law within a stipulated time.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.A.Muthukaruppan

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Mr.A.Muthukaruppan, learned Additional Government Pleader, takes notice on behalf of the respondents 1 to 3 and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. According to the petitioner, the land in Survey No.339 of Mallipudur Village, is classified as "Oorani" as per the revenue records and from that water body, a small canal is running towards south of the said water body upto the land in Survey No.334 and the said canal is assigned with Survey No.338 and it is classified as "Odai" in the revenue records and the said "Oorani" and "Odai" are in existence from time immemorial.

3. The grievance expressed by the petitioner is that the sixth respondent is trying to convert the said canal in Survey No.338 as a common passage to the unapproved layout formed in the land adjacent to Survey No.334 and in this regard, he submitted representations, dated 24.08.2016 and 29.08.2016, to the respondents and despite receipt of the same, the respondents have not taken any action and hence he has filed this writ petition.

4. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the merits of the claim projected by him either in the representations or in the writ petition, this Court directs the third respondent to consider his representations, dated 24.08.2016 and 29.08.2016, in accordance with law, after putting the fifth and sixth respondents on notice, and pass orders within a period of ten weeks from the date of receipt of a copy of this Order and communicate the decision taken to the petitioner as well as the fifth and sixth respondents. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.



3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

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4.The Block Development Officer,
Srivilliputhur Taluk,
Virudhunagar District.

5.The Panchayat President,
Mallipudur,
Srivilliputhur Taluk,
Virudhunagar District.

+One cc to Mr.M.Sankar, Advocate, SR.No.55283

+One cc to The Special Government Pleader, SR.No.55190

krk
RL/8C/3P/DB/5.10.2016

W.P. (MD) No.18283 of 2016

23.09.2016