



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

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

W.P.[MD].No.1427 of 2013
and
M.P.(MD)Nos.1, 2 of 2013 and 1 of 2015

N.Subramanian : Petitioner

Vs.

1.The District Collector,
Ramnad District,
Ramnad.

2.The District Revenue Officer,
Ramnad District,
Ramnad.

3.The Assistant Administrative Engineer,
Tamil Nadu Water and Drainage Board,
Planning Sub Division (Ramnad Joint Water Scheme),
Thiruvadanai,
Ramnad District.

4.The Assistant Executive Engineer,
Public Works Department (WRO),
East Vaigai Drainage Sub Division,
R.S.Mangalam,
Thiruvadanai,
Ramnad District.

5.The Tahsildar,
Thiruvadanai Taluk,
Ramnad District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order passed in Na.Ka.P3-52263-2011, dated 10.09.2013, and quash the same as illegal and arbitrary and consequently, direct the respondents more particularly, the third respondent to restore the original position of the channel i.e.,



Melpanaiyur Chinna Kanmai (Thaliyarendhal Kanmai) in Survey No.327 of Melpanaiyur Village, R.S.Mangalam, Thiruvadanai Taluk, Ramnad District, within the time limit that may be stipulated by this Hon'ble Court.

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For Petitioner : Mr.G.Thalaimutharasu

For Respondents 1,2,4&5 : Mr.M.Govindan,
Special Government Pleader

For Respondent No.3 : Mrs.Porkodi Karnan

O R D E R

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

This Public Interest Litigation has been filed by one N.Subramanian, Ex-President of Melpanaiyur Village, Thiruvadanai Taluk, Ramnad District, challenging the order of the first respondent dated 10.01.2013, in Na.Ka.P3-52263-2011, quash the same and consequently, direct the respondents, more particularly, the third respondent to restore the original position of the channel i.e., Melpanaiyur Chinna Kanmai (Thaliyarendhal Kanmai) in Survey No.327 of Melpanaiyur Village, R.S.Mangalam, Thiruvadanai Taluk, Ramnad District.

2. We have heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1,2,4 and 5 and the learned counsel appearing for the third respondent. We have also perused the records carefully.

3. The third respondent has filed a counter-affidavit, wherein, at paragraph Nos.5 and 6, it has been stated as follows:

"5. It is humbly submitted that while this respondent was trying to construct the compound wall around the ground level water sump and the pump room, the petitioner and the village people have jointly made a representation to the respondent No.1 and 2 and raising the objection for it. Further they urged the first respondent to remove the constructed sump and pump room for the free flow of water to the Melpanaiyur small tank. The 1st respondent sought for the report from the 3rd and 4th respondent in this regard. After perusal of the reports, the 1st respondent has rightly passed an order negating the removal of sump and the pump room. However, the 1st respondent has directed the 3rd respondent not to construct the compound wall but the metal wire fencing can be made around the sump and the pump room. It is made clear that the ground level sump



and the pump room was constructed for the purpose of supplying the drinking water to the people who are residing in 105 hamlets. It is in operation as of now. They are all getting the drinking water without fail because of this sump only. It is more beneficial to the village people. The only grievance of the petitioner and his village people is that not to construct the compound wall which would obstruct the free flow of water to the Melpanaiyur small tank. Therefore, on taking to the interest of the petitioner and his village people, the 1st respondent has rightly directed this respondent not to construct the compound wall and the fencing can be made around the ground level water sump and the pump room. Accordingly, as per the direction of the 1st respondent, this Respondent also stopped construction of the compound wall.

6. It is humbly submitted that after plinth area in Survey No.327 that is in supply channel, the remaining extent of land in the supply channel is enough in ordinary course. In case of any too much of water comes out during the rainy season through the remaining area namely the supply channel, there will be a possibility for inundation of paddy fields adjacent to the channel and the tank."

4. In view of the above stated position, we find that there is no necessity to quash the impugned order, since the first respondent has considered the issue and passed orders in well manner. Therefore, the Writ Petition is closed. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramnagar District,
Ramnagar.

2.The District Revenue Officer,
Ramnagar District,
Ramnagar.



3.The Assistant Administrative Engineer,
Tamil Nadu Water and Drainage Board,
Planning Sub Division (Ramnad Joint Water Scheme),
Thiruvadanai,
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Ramnad District.

5.The Tahsildar,
Thiruvadanai Taluk,
Ramnad District.

+1cc to Mr.Porkodi Karnan, Advocate SR.No.55988
+1cc to Government Pleader SR.No.56418

SML

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Order made in
W.P.[MD].No.1427 of 2013
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Dated: 26.09.2016