



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.560 of 2013

R.Kanagaraja

... Petitioner

Vs.

- 1.The District Collector,
Karur District,
Karur.
- 2.The Revenue Divisional Officer,
Kulithalai,
Karur District.
- 3.The Tahsildar,
Krishnarayapuram,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent vide her proceedings in Na.Ka.A.1/3725/2012 dated 15.11.2012 quash the same and further directing the 2nd and 3rd respondent to take steps to close the channel unlawfully dug by them in the petitioner's land comprised in Survey No.105/11, situated at Sindalawadi Village, Krishnarayapuram Taluk in furtherance of the impugned order.

For Petitioner	: Mr.A.Jeyaramachandran
For Respondents	: Mr.V.Muruganandham
	Addl. Govt. Pleader

ORDER

The present writ petition has been filed challenging the order passed by the second respondent/the Revenue Divisional Officer, directing the petitioner to form a water channel in the petitioner's land.

2.According to the petitioner, he is the owner of the agricultural lands in Sy.No.105/11 to an extent of 32 cents and some of the villagers dug a water channel in his land to drain the water from their land with previous enmity. Hence, he lodged a complaint before the Lalapetti Police Station and during the enquiry, the persons who are said to have dug the channel, had



given an undertaking that they would not indulge in such activities. Thereafter, they closed the water channel. Thereafter, the above said persons approached the second respondent making certain false allegations as if the petitioner has closed the water channel dug by them and based on the complaint, the second respondent conducted an enquiry on 23.05.2012 and the petitioner appeared for the enquiry and submitted the relevant documents. But, without conducting any enquiry and without perusing the documents, the second respondent herein informed the petitioner that the enquiry was adjourned. Subsequently, on 12.11.2012 at 01.00 p.m, he was issued with another notice, appearing for enquiry at 02.00 p.m on the same day and the second respondent, without giving any opportunity, compelled the petitioner to sign in the document as if he is giving consent for digging the water channel in his land. Thereafter, the petitioner made an appeal before the second respondent to consider his objection. But without considering the same, second respondent passed the impugned order vide proceedings in Na.Ka.A.1/3725/2012, dated 15.11.2012. Hence, challenging the said order, the present writ petition has been filed.

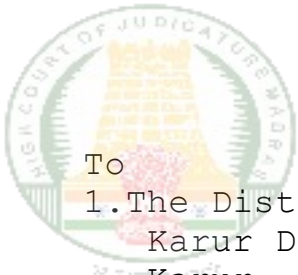
3.The third respondent/Tahsildar filed a counter affidavit stating that in the FMB, water channel has been earmarked, but the petitioner obliterated the course. In the above circumstances, the impugned order has been passed. The second respondent has not filed any counter.

4.In the above circumstances, without going into the merits of the case, since the petitioner alleged that no proper enquiry was conducted and it is not also disputed by the third respondent, the impugned order passed by the second respondent, dated 15.11.2012 is set aside on the ground of violation of principles of natural Justice and the matter is remanded back to the second respondent. The second respondent/Revenue Divisional Officer, Kulithalai, Karur District is directed to conduct a fresh enquiry, after issuing notice to the petitioner and also all the persons, interested and pass orders, after considering the objections raised by the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is directed to co-operate with the enquiry and submit his objections, before the second respondent.

5.Accordingly, this writ petition is allowed. There shall be no order as to costs.

Sd/
Assistant Registrar

/True Copy/



To

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Krishnarayapuram,
Karur District.

+1CC to the Special Government Pleader, SR.No. 66630

W.P (MD) No.560 of 2013
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vs

AM/SK SKN/24.11.2016/3P/5C