



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.6372 of 2013

WEB COPY

C.Veeramani

: Petitioner

Vs.

1.The District Collector,
Thanjavur,
Thanjavur District.

2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

3.The Tahsildar,
Orathanadu Taluk Office,
Orathanadu,
Thanjavur District.

4.The Assistant Executive Engineer,
(Drainage Division),
Public Works Department,
Santhapillai Gate,
Thanjavur,
Thanjavur District.

5.M.Chezian

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to restore the JEMBUCAUVERY DRAINAGE CHANNEL in PANYAKOTTAI VILLAGE within ORATHANADU TALUK limits in THANJAVUR DISTRICT to its original position by removing the encroachment made by the fifth respondent in order to allow free flow of water, within the time fixed by this Court.

For Petitioner : Mr.V.Chandrasekar

For Respondents 1to4 : Mr.T.R.Janarthanan,
Additional Government Pleader

**O R D E R*************[Order of the Court was made by S.NAGAMUTHU, J.]**

The petitioner has come up with this Public Interest Litigation seeking a direction to the respondents to restore the Jembucauvery Drainage Channel in Panyakottai Village, Orathanadu Taluk in Thanjavur District to its original position by removing the encroachment made by the fifth respondent in order to allow free flow of water in the said channel.

2. It is submitted by Mr.T.R.Janarthanan, the learned Additional Government Pleader that the land was surveyed and it has been found that no fish pond has been established on the Government land, as it is alleged by the petitioner. The learned Additional Government Pleader has produced a letter of Assistant Executive Engineer, Public Works Department, Kallanai Kalvai Upakottam No.1, Thanjavur, wherein he has stated that there is no encroachment on Jembugapuram Vari Vadikal. This fact came to light in the survey conducted by the Public Works Department and Revenue Authorities with the help of a Surveyor on 30.09.2016. Since the official respondents have stated that there is no encroachment and since the same could not be disputed, we are unable to grant the relief as prayed for. The Writ Petition is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Thanjavur, Thanjavur District.
- 2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.
- 3.The Tahsildar,
Orathanadu Taluk Office, Orathanadu, Thanjavur District.
- 4.The Assistant Executive Engineer,
(Drainage Division),
Public Works Department, Santhapillai Gate, Thanjavur,
Thanjavur District.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No.59847

Order made in
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