

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.15095 of 2004 & WMP.No.17916 of 2004

C.T.Nachiappan

..Petitioner

Vs

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Karaikudi, Sivagangai District.

3. The Village Administrative Officer,
Kandanur, Sivagangai District.

4. The Executive Officer,
Kandanur Town Panchayat,
Kandanur,
Sivagangai District.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India directing the respondents in any manner putting up any construction in S.No.100/13 in Kalvai Poramboke in Kandanur Village, Karaikudi Taluk, Sivagangai District for the office of the Village Administrative Officer or for any other purpose and maintain the said S.No.100/13 as a kalvai for holding rain water and to supply water to the Chettiar Oorani in Kandanur Village and pass such further or other orders.

For Petitioner : Mr. A.R.L.Sundaresan

For Respondents : Mrs.M.E.Rani Selvam,
Additional Government Pleader for
R1 to R3

ORDER

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

The grievance expressed by the petitioner is that as per the revenue records the land admeasuring to an extent of 0.21.0 ares

in S.No.100/13 at Kandapur Village is classified as "Government Poramboke Canal" whereas, despite the said fact, steps have been taken to put up a library building on the said water course / water body and despite very many representations submitted to withhold the said construction, no action has been taken so far and therefore, the petitioner came forward to file this writ petition.

2. Admittedly, the writ petition was admitted on 02.06.2004 and the interim order was granted on that day and again, the matter was listed on 02.11.2017 and on that day, the learned Additional Government Pleader, appearing for the official respondents sought for time to get instructions. Accordingly, the matter is directed to be listed today.

3. The learned Additional Government Pleader produced the letter of the Executive Officer (General), Kandapur Town Panchayat, Sivagangai District addressed to her, wherein, it has been stated that the proposal to put up a public library building on the said land has been dropped and as on date, there is no encroachment on the said land also. The said letter along with the photographs have been taken on file and recorded.

4. In the light of the said stand taken, especially taking into consideration of the fact that as long as the land in question is classified a water body / water course, no construction shall take place, in the light of Full Bench Judgment reported in 2015 [6] CTC 369 [T.K.Shanmugam Vs. The State of Tamil Nadu, Secretary to Government, Revenue Department, Chennai -9 and others], the writ petition stands closed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rka

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Karaikudi, Sivagangai District.

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3. The Village Administrative Officer,
Kandanur, Sivagangai District.

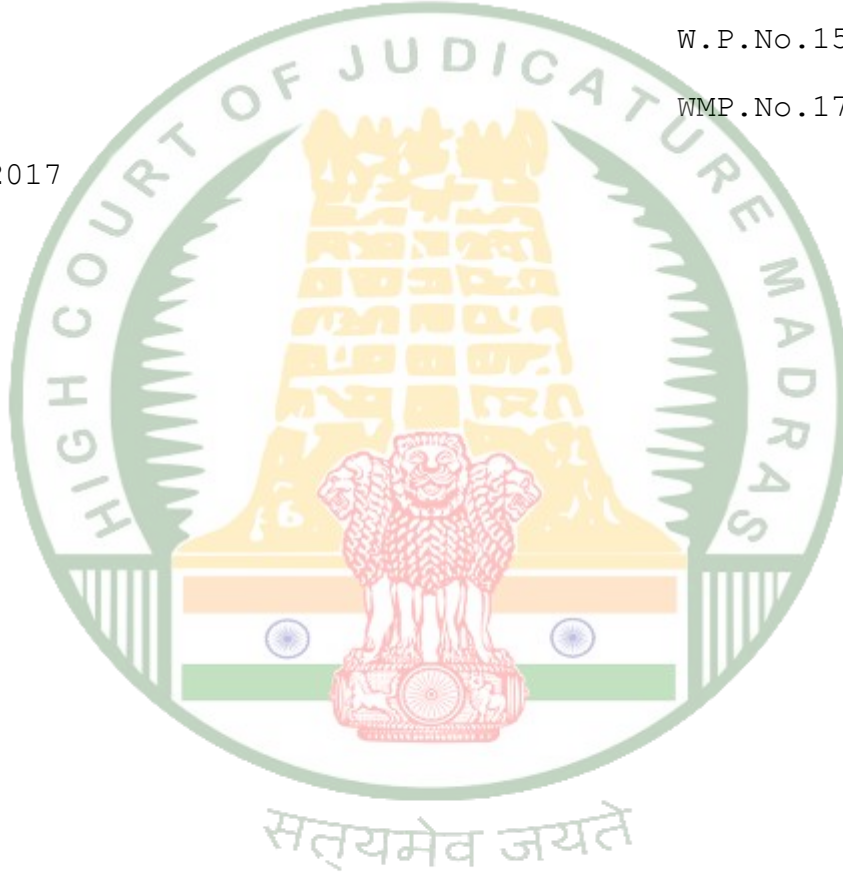
4. The Executive Officer,
Kandanur Town Panchayat,
Kandanur,
Sivagangai District.

+ 1 cc to M/s.AL.Ganthimathi, Advocate,SR.82746

+ 1 cc to The Govt.Pleader, SR.82906

W.P.No.15095 of 2004
in
WMP.No.17916 of 2004

NR 19/12/2017



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