



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K. RAVICHANDRA BAABU

W.P(MD) No. 1516 of 2015

C.V. Ponnaiah

.. Petitioner

vs.

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.

2. The District Collector,
Madurai District, Madurai.

3. The Chief Executive Engineer,
Public Works Department,
Periyaru Main Channel,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus directing the second respondent to restore the irrigation to petitioner's Ayakattu land in S.F. No. 87/1 to 5 Chinnapatty Village by restoring the obliterated portion of irrigation channel in S.F. No. 84, Chinnapatty Village, Melur Division, Madurai North Taluk, Madurai District by fixing field bothie and pipe across the odai.

For Petitioner : Mr. PT.S. Narendra Vasan

For Respondents : Mr. T.S. Mohammed Mohideen

Additional Government Pleader

O R D E R

The petitioner seeks for a direction to the second respondent to restore the irrigation to petitioner's Ayakattu land in S.F. No. 87/1 to 5 Chinnapatty Village by restoring the obliterated portion of irrigation channel in S.F. No. 84, Chinnapatty Village, Melur Division, Madurai North Taluk, Madurai District.

2. After notice, the third respondent filed a counter affidavit.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

4. The petitioner seeks irrigation facility to his land at the above survey numbers from a channel, which is already in existence and ends up in a private party's land. In other words, the claim of the petitioner is to the effect that such channel should be extended up to his land, undoubtedly, by passing through the



properties belonging to some private parties.

5. The learned Additional Government Pleader submitted that such request of the petitioner cannot be considered as it involves the question of acquisition of other man's property, which has to be done only in accordance with law.

6. Such being the factual aspect of the matter, more particularly, when other parties are not made as parties to the present writ petition and even assuming that they are made as parties, considering the fact that they are disputing the claim of the petitioner, it appears to this Court that all those disputed questions of fact cannot be gone into in this writ petition and it is for the petitioner to go before the competent civil court and file a suit, if he is having any Ayakkattu right from the channel. By granting such liberty, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To,

1. The Secretary to Government, Revenue Department,
Fort St. George, Chennai - 9.
2. The District Collector, Madurai District, Madurai.
3. The Chief Executive Engineer, Public Works Department,
Periyaru Main Channel, Madurai District.

+1CC to M/S.P.T.S.Narendravasan, Advocate, SR.No. 754

+1CC to the Special Government Pleader, SR.No. 816

CM

MSK/MM/25.01.2017/2P-6C

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