



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.22170 of 2015

Thiruvasakam

... Petitioner

-VS-

1.The District Collector,
Sivagangai District.

2.The Executive Engineer,
P.W.D.,
Sivagangai District,
Sivagangai.

3.The Assistant Engineer,
PWD, Kalaiyarkovil,
Sivagangai District.

4.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

5.The Tahsildar,
Kalaiyarkovil,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to ensure the free flow of water to Marandhai Kanmai by restoring the water channel leading to Marandhai Kanmai from Kolandi Kanmai in Survey Nos.95, 96, 98, 114 & 115 of Kolandi Village.

For Petitioner

: Mr.S.Murugaian

For Respondents

: Mr.D.Muruganandam
Additional Government Pleader

O R D E R

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to restore the water channel leading to Marandhai Kanmai from Kolandi Kanmai in Survey Nos.95, 96, 98, 114 & 115 of Kolandi Village by way of issuing a Writ of Mandamus.

2.It is averred in the petition that the petitioner is a resident of Marandhai village. Further it is averred in the petition that during rainy season surplus water of Kolandi Kanmai is going to Thalirthalai and Marandhai Kanmais. But the villagers of Thalirthalai are making arrangements to take diversion of the water. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3.On the basis of the dispute that exists in the present case, this Court has directed the District Collector, Sivagangai District to submit a report and accordingly, he submitted the same, wherein it has been clearly stated that the surplus water of Kolandi Kanmai is going to Thalirthalai Kanmai and Marandhai Kanmai through Survey Nos.95, 96, 98, 99 and 114.

4.From the report submitted by the District Collector, Sivagangai, this Court is of the view that both Thalirthalai and Marandhai Kanmais are equally getting surplus water of Kolandi Kanmai and therefore, the villagers of Thalirthalai are not entitled to take any diversion. Under the said circumstances, the relief sought in the petition can be granted.

5.In fine, this Writ Petition is allowed without cost. The respondents are strictly directed to ensure free flow of water to Marandhai Kanmai by way of restoring the original channel.

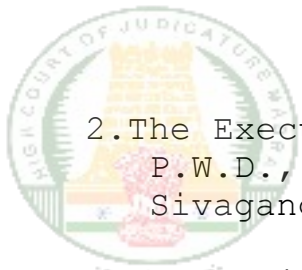
Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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Sivagangai District.



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Sivagangai District,
Sivagangai.

5.The Tahsildar,
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Sivagangai District.

+1 cc to M/S.RM.ARUNSWAMINATHAN, Advocate SR.No.2131

+1 cc to Special Government Pleader SR.No.2538

W.P (MD) No.22170 of 2015
11.01.2017

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