



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2903 of 2017
and
W.M.P. (MD) .No.2352 of 2017

N.Arivarasu Pandian : Petitioner
Vs.

1. The District Collector,
Madurai District,
2. The Tahsildar,
Usilampatti Taluk,
Madurai District.

3. Ulagamuthan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to ensure free flow of water generated from the hills through the land of the third respondent comprised in S.No.82/1B2 situated at Kodanginaickepatti and also to take necessary action to restore existing water channel to its original measurements on the basis of the representation given by the petitioner dated 10.02.2017.

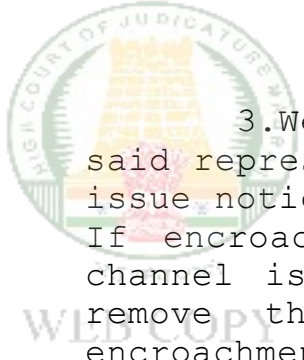
For Petitioner	: Mr.B.Jameel Arasu
For R.1 & R.2	: Mr.M.Govindan Special Government Pleader
For Respondent No.3	: Mr.Niranjan S.Kumar

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner seeks a direction for ensuring free flow of water generated from the hills adjacent to the writ petitioner's village, namely, Kodanginaikanpatti, Jothilnaikanoor Post, Usilampatti Taluk, Madurai District.

2.According to the writ petitioner, the free flow of water is being blocked by the third respondent. The writ petitioner therefore given a representation dated 02.01.2017 to the authorities. Since no action was taken, the present writ petition has been filed for restoration of the said water channel.



3. We direct the second respondent to take action on the said representation dated 02.01.2017. The second respondent shall issue notice to the third respondent before finalising the matter. If encroachment is noticed or if water flow through the said channel is blocked, it is the duty of the second respondent to remove the encroachment. The process of removing the encroachment shall be as per statutory procedure. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. This Writ Petition is accordingly disposed of. No costs. Consequently, the connected W.M.P. (MD). No. 2352 of 2017 is closed.

Sd/-
Assistant Registrar (CS-III)
/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,

2. The Tahsildar,
Usilampatti Taluk,
Madurai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 72012.

+1 CC to MR. B. JAMEEL ARASU, Advocate, SR No. 71580.

TSG

PSM/KK/SAR2/24.08.2017/2P/5C

Order made in
W.P. (MD) No. 2903 of 2017
dated: 08.08.2017