



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.08.2017

CORAM :

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**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1954 of 2016
and
W.M.P. (MD).No.1718 of 2016

K.Sulthan Allaudeen

: Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Executive Engineer,
Public Works Department,
Water Resource Management,
Irrigation Division,
Sarukaniyaru Sub-Division, Sivagangai District.
3. The Assistant Engineer,
Public Works Department,
Water Resource Management,
Irrigation Division No.II,
Sarukaniyaru Sub-Division, Manamadurai,
Sivagangai District.
4. The Tahsildar,
Thiruppuvanam Taluk.
Sivagangai District.
5. The Executive Officer,
Thiruppuvanam Selection Grade Town Panchayat,
Thiruppuvanam,
Sivagangai District.

: Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second and third respondents to preserve and protect the Palayanur Channel situated in Survey No.59 of Thiruppuvanam Pudur village, Thiruppuvanam Taluk, Sivagangai District and forbearing the respondents to grant permission for laying the road on the said Palayanur Channel.



For Petitioner
For R.1 to R.5

: Mr.V.Kannan
: Mr.M.Govindan
Special Government Pleader

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O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed for directing the second and third respondents to preserve and protect the Palayanur Channel situated in Survey No.59 of Thiruppuvanam Pudur village, Thiruppuvanam Taluk, Sivagangai District. The writ petitioner also seeks to restrain the respondents from granting permission for laying road on the said Palayanur Channel.

2.The writ petitioner has stated in his affidavit that in December 2015, the Tahsildar, Thiruppuvanam Taluk came to the village and informed that they are proposing to lay the road on the channel. The allegation is that the idea of forming the road is to oblige some private interests.

3.The writ petitioner therefore has filed the present writ petition. The fourth respondent has already surveyed the property in question. A representation has also been submitted by the second respondent. It is the duty of the second respondent to preserve and protect the said channel. The question of laying the road on the channel cannot arise. A water body has to maintain as a water body. The second respondent must ensure that there are no encroachments committed on the said channel. If any encroachment is made, it is for the second respondent to take follow up action in the matter after issuing notice to the encroachers if any.

4.This Writ Petition is accordingly disposed of. No costs. Consequently, the connected W.M.P.(MD).No.1718 of 2016 is closed.

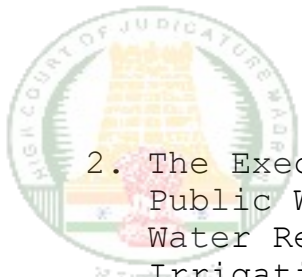
Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.



2. The Executive Engineer,
Public Works Department,
Water Resource Management,
Irrigation Division,
Sarukaniyaru Sub-Division, Sivagangai District.
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Public Works Department,
Water Resource Management,
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5. The Executive Officer,
Thiruppuvanam Selection Grade Town Panchayat,
Thiruppuvanam,
Sivagangai District.

+ 1 CC TO Mr.V.KANNAN, ADVOCATE IN SR No. 71510

TSG

TE/MR-KKR/SAR-II : 01/09/2017 : 3P/7C

Order made in
W.P(MD)No.1954 of 2016 and
W.M.P.(MD).No.1718 of 2016
Dated: 08.08.2017