



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD) No.16759 of 2013

Vijayaraghavan

.. Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

3. The Block Development officer,
Sivakasi Union,
Virudhunagar District.

4. The President,
Sevalur Village Panchayat,
Sivakasi Taluk,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents No 1 to 2 to restore Erichanatham Tank channel in its original position, which flows through Kumilankulam Village to Kothaneri Tank, Sivakasi Taluk, Virudhunagar District by removing the wall constructed in the middle of the channel by the fourth respondent.

For petitioner : Mrs.S.Vidya
for M/S.J.Lawrance

For Respondents 1 to 3 : Mr.T.S.Md.Mohideen
Additional Government Pleader

For 4th Respondent : Mr.A.K.Baskarapandian

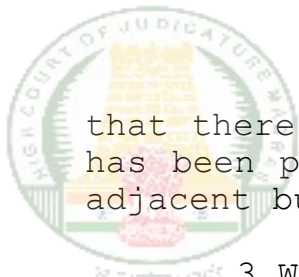
ORDER

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

The writ petitioner is aggrieved by the putting up of a compound wall by the fourth respondent village Panchayat, in Erichanatham Tank's channel and seeks restoration to its original position.

<https://hcservices.courts.gov.in/hcservices/>

2.The learned counsel for the fourth respondent would contend



that there is no encroachment as alleged and that the compound wall has been put up only on the bund of the channel for protecting the adjacent burial ground.

3. We therefore direct the second respondent to enquire into the matter and find out if the width of the water channel has actually been reduced by the putting up of the offending compound wall. If the Tahsildar comes to a conclusion that there is an encroachment on the water channel, it is for the Tahsildar to take appropriate action.

4. The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
3. The Block Development officer,
Sivakasi Union, Virudhunagar District.

+1cc to Mr. J. Lawrance, Advocate Sr.No. 67528

+1cc to The Spl. Government Pleader Sr.No. 68392

+1cc to Mr. A. K. Baskarapandian, Advocate Sr.No. 67854

RJ2/VSG

VB/MR/KKR/SAR3/10/08/2017/2P/7C

**ORDER MADE IN
W.P (MD) No. 16759 of 2013
25.07.2017**