

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.09.2018

CORAM:
THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.1789 of 2018
and WMP No.2218 of 2018

K.V.Srigandhi

... Petitioner

vs.

1. The District Collector,
Erode, Erode District.

2. The Public Works Department,
Erode,
Erode District.

.... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents to remove the soil dumped near Koppu Vaikal for widening the road adjacent to the same and maintain the Koppu Vaikal and the adjacent road as it was earlier in Survey No.146 and 150 in Villarasampatti Village, Erode Taluk and Erode District by considering the representation dated 11.12.2017.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate.

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

The instant writ petition has been filed for a writ of mandamus, directing the respondents to remove the soil dumped near Koppu Vaikal (a small channel of water) for widening the road adjacent to the same and maintain the Koppu Vaikal and the adjacent road as it was earlier in Survey No.146 and 150 in Villarasampatti Village, Erode Taluk and Erode District by considering the petitioner's representation dated 11.12.2017.

2. The writ petitioner has stated that in Villarsampatti Village, a water channel is situated at Survey Nos.146 and 150. In the main channel, there are branch channels, which are Koppu Vaikals. From the main channel, water is let to the branch channel, which supplies water to the lands. 150 acres of land,

is irrigated by the water channel/Koppu Vaikal. It is the allegation of the petitioner that Survey No.149, which is belonging to Neelavathi, was sold to one Ashok. He is converting the lands into house sites, without obtaining permission from the Government authorities. It is also stated that the said Ashok is widening the small road adjacent to Koppu Vaikal, in an attempt to widen the existing Koppu Vaikal Road and for this soil is dumped without any permission. Therefore, it is stated in the writ petition that the dumping of soil, would result in affecting the distribution of water.

3. The Junior Engineer, Water Resource Department, Irrigation Section, Erode District, on behalf of Public Works Department, Erode District, second respondent herein, has filed the counter stating as under.

"It is respectfully submitted that recently, without the knowledge of this respondent, due to weakness in the canal bank the local farmers have deposited earth in the canal bank, without affecting the said water body. But immediately on knowledge about the same, this respondent warned and instructed not to carry out any such works without the permission of this Department in future. Further it is necessary to state that the Erode Distributory and the Koppu Vaikal is being maintained in good condition without any hindrance to the flow of water."

4. It is also stated in the counter that the lands adjacent to the canal bank is vacant and no steps for putting up any building or conversion to a house site, as contended by the petitioner could be seen. The dumping of soil was done only to strengthen the canal bank and the residents have been warned and instructed not to carry out any such works without the permission of the department.

5. In view of the counter and the fact that the soil was put only as a measure to strengthen the canal banks and that the residents have been instructed not to repeat it in future and in view of the statement that there was no construction on the vacant sites, adjacent to the Koppu Vaikal, the writ petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ars/dm

To

1.The District Collector,
Erode, Erode District.

2.The Assistant Engineer,
Public Works Department,
Erode,
Erode District.

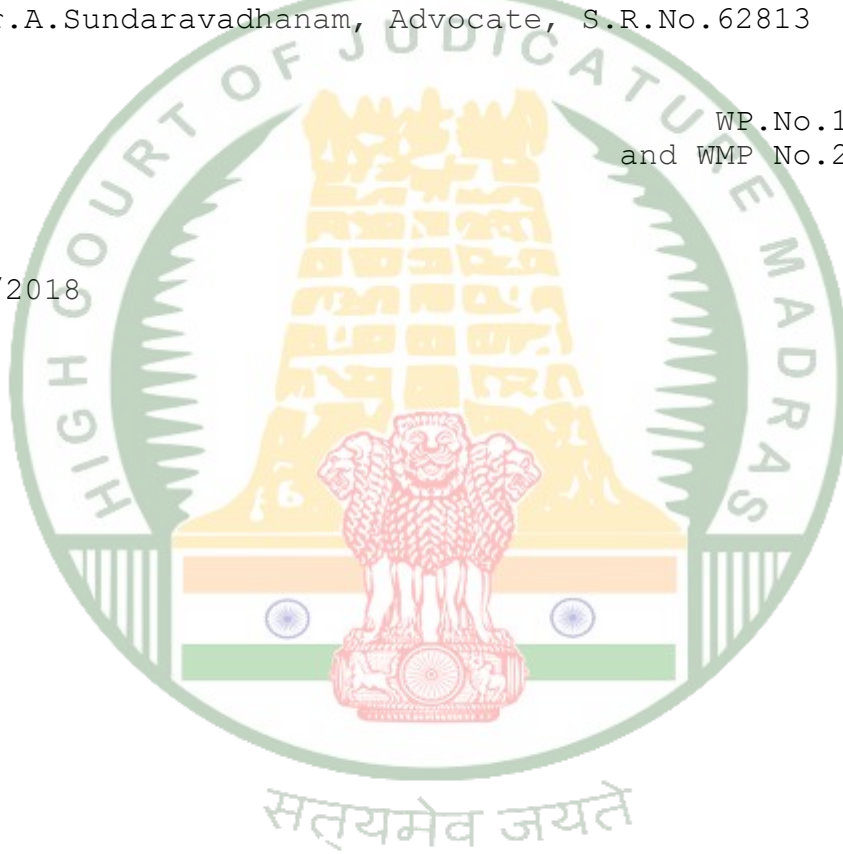
+lcc to the Government Pleader, S.R.No.62579

+lcc to Mr.A.Sundaravadhanam, Advocate, S.R.No.62813

WP.No.1789 of 2018
and WMP No.2218 of 2018

SS(CO)

rrs 10/10/2018



WEB COPY