



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.1688 of 2018

WEB COPY

Alaguvel Nadar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Udanguid,
Tiruchendur Taluk,
Thoothukudi District.

3.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

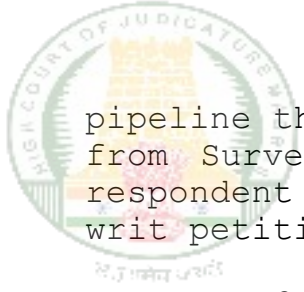
Petition filed under Article 226 Constitution of India to issue a writ of Mandamus forbearing the 2nd and 3rd respondents to remove the pipe line at earth laid by the petitioner for the purpose of water irrigation to the petitioners agricultural land from Survey No.354 to Survey Nos.302/2 and 407 situated at Thankaipandarapuram Chettiyapathu Village, Tiruchendur Taluk, Thoothukudi District by considering the petitioner's representation dated 20.01.2018.

For Petitioner	: Mr.Saravanan for Mr.S.Muniyandi
For Respondents	: Mr.Rajarajan Government Advocate

ORDER

This writ petition has been filed seeking to forbear the respondents 2 and 3 from removing the pipe line laid by the petitioner for the purpose of water irrigation to the petitioner's agricultural land from Survey No.354 to Survey Nos.302/2 and 407 situated at Thankaipandarapuram, Chettiyapathu Village, Tiruchendur Taluk, Thoothukudi District, by considering the petitioner's representation dated 20.01.2018.

2.According to the petitioner, he is in possession and enjoyment of the agricultural land comprised in Survey No.354 situated at Chettiyapathu Village, Tiruchendur Taluk. While so, he has purchased some properties in Survey Nos.302/2 and 407, situated at Thankaipandarapuram, Chettiyapathu Village, Tiruchendur Taluk, Thoothukudi District. The petitioner, has inadvertently laid a



pipeline through the property of the second respondent to take water from Survey No.354 to Survey Nos.302/2 and 407. Now, the second respondent is taking steps to remove the above pipeline. Hence, this writ petition has been filed.

3.The second respondent filed a counter affidavit stating that the petitioner, without getting permission from the second respondent, on his own, has laid the pipeline under the Panchayat Union Road. Hence, the second respondent is taking steps to remove the pipeline.

4.Considering the fact that the petitioner has inadvertently laid the pipe line only to irrigate his lands, the petitioner is directed to file necessary application before the second respondent seeking permission to take water by paying necessary fee. On filing such application, the second respondent is directed to consider the same and if it is permissible, the second respondent is directed to give permission to take water. Till order is passed, the second respondent is directed not to disturb the petitioner from taking water through pipeline.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Udanguid,
Tiruchendur Taluk,
Thoothukudi District.

3.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

+1cc to M/S.S.Muniyandi, Advocate SR.No. 49117
+1cc to Special Government Pleader, SR.No. 49049

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