



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.2765 of 2018

A.Ranganathan

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.The Executive Engineer,
Public Works Department,
Thallakulam,
Madurai - 2.

5.Muthukalai

6.Alagarsamy

7.Munichamy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachments and to restore the water courses that originally existed in the Kunnathoor Periya Kanmoi comprised in S.No.1/1 at kalimangalam Village, Kunnathoor Pirka & Revenue, Madurai East Taluk, Kariyapatti Taluk, within a stipulated time that may be fixed by this Court.

For Petitioner

For R-1 to R-4

: Mr.R.Rajamohan

: Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]



2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4.

3. This Writ Petition is styled as a 'Public Interest Litigation'. The petitioner, who is a resident of Oovalur Village, Kalimangalam Post, Madurai East Taluk, Madurai District, would aver among other things that he is an agricultural coolie and eking out his livelihood by doing agricultural work and according to him, more than 1200 acres of land situate in and around their village depend upon the water for irrigation from 'Periya Kanmoi' and it is maintained by Public Works Department as well as by the Revenue Department and the farmers of three villages namely, Kunnathur, Kalimangalam and Oovaloor, are using the said water for irrigation purposes.

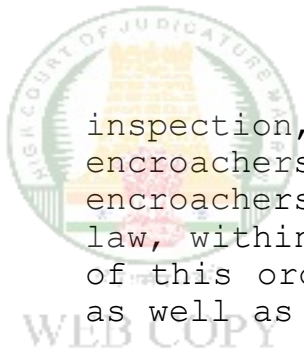
4. It is the specific case of the petitioner that some portion of the said water body had been encroached by the encroachers including the respondents 5 to 7 and they started cultivating vegetables and in that process, they are also using pesticides and as and when the said pesticides accumulate in the said water body, the said water becomes poisonous and also resulting in pollution.

5. The learned counsel appearing for the petitioner would submit that the cattles, which used to drink water from the said water body died on account of the said pollution and in the light of the said pollution, at one point of time, the entire water body would become useless and in this regard, the petitioner has submitted a representation dated 20.04.2015, to the first respondent.

6. The learned counsel appearing for the petitioner would further submit that repeatedly memo has been sent by the Revenue Divisional Officer, Madurai, to the Tahsildar, Madurai East Taluk, on 29.04.2015 and 15.07.2015 in **ந.க.எண்.3226/2015/சி** and **ந.க.எண்.39739/2015/செ**, to take appropriate action and inform the same to the office and despite that, the third respondent for the reasons best known to them, have not taken any action and hence, the petitioner is constrained to file this Writ Petition.

7. This Court heard the submissions of the learned Additional Government Pleader for the respondents 1 to 4.

8. Though the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in his representation, directs the respondents 3 and 4, to cause inspection of 'Periya Kanmoi' at Madurai East Taluk, to find out whether there are encroachments and that encroachments are in the form of agricultural field or construction and depending upon the result of the said



inspection, they are directed to take appropriate action against the encroachers including the private respondents 5 to 7 and other encroachers if any, after putting them on notice, in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the respondents 5 to 7 and the other encroachers if any.

9. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.The Executive Engineer,
Public Works Department,
Thallakulam,
Madurai - 2.

+One cc to Mr.S.Rajamohan, Advocate, SR.No.47771

+One cc to The Special Government Pleader, SR.No.48672

pm

RL/7C/3P/SV/MMS/SAR2/22/2/2018

ORDER MADE IN
W.P (MD) No.2765 of 2018