



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**  
**and**  
**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P (MD) No.4727 of 2018

and

W.M.P (MD) Nos.4767 & 4768 of 2018

Ramamirtham

... Petitioner

**Vs.**

1. The District Collector,  
Collectorate,  
Ramanathapuram District.
2. The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Ramanathapuram District.
3. The Tahsildar,  
Office of the Tahsildar,  
Ramanathapuram District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Na.Ka.G & M.1/148/2018, dated 07.02.2018 issued by the first respondent and quash the same and consequently direct the respondents to protect the Oorani situated in Survey No.791/2 to an extent of 1.26.5 hectares and 791/3 to an extent of 2.55.5 hectares, Vedhalai Village, Mandapam Group, Ramanathapuram Taluk and District.

|                 |                                                          |
|-----------------|----------------------------------------------------------|
| For Petitioner  | : Mr.R.Senthil Kumar                                     |
| For Respondents | : Mr.A.K.Baskara Pandian,<br>Special Government Pleader. |

**ORDER**

**(Order of the Court was made by M.SATHYANARAYANAN, J.)**

By consent, the Writ Petition itself is taken up for final disposal.



2.The petitioner is the Village Secretary of Bharathiya Janatha Party of Ramanathapuram District and according to him, one Ishmathnoon has applied for permission to de-silt a water body (Oorani) in Survey No.791/2 admeasuring to an extent of 1.26.5 hectares and in Survey No.791/3 admeasuring to an extent of 2.55.5 hectares and without taking note of the sentiments and objections raised by the people of Vedalai Village, Mandapam Group, Ramanathapuram District, the first respondent has accorded permission, vide proceedings, dated 07.02.2018 in Na.K.G&M.No.1/148/2018 and challenging the legality of the same, the petitioner has come forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed-set of documents and would submit that though desilting has been done very recently and there is absolutely no cause to desilt the Tank once again and without taking note of the objections raised by the people of the locality, the first respondent, through impugned proceedings, has erroneously granted licence to the said person to de-silt the land in question and prays for interference.

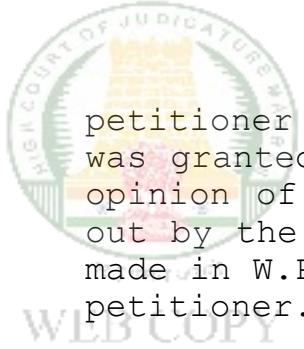
4.Per contra, the learned Special Government Pleader appearing for the respondents has drawn the attention of this Court to the order, dated 14.02.2018 made in W.P(MD)No.2965 of 2018 filed by the very same petitioner and would submit that this Court, in the above said order, has directed the Tahsildar, Ramanathapuram District, to cause inspection of 'Alavanthar Oorani' comprised in Survey Nos.791A, 791B and 791C of Kunjarvalasai Village, Vetharanyam Panchayat, Ramanathapuram District, within a period of four weeks from the date of receipt of a copy of the order, after putting the concerned persons/officials on notice and depending upon the result of the same, directed the said official to take appropriate action in accordance with law and the period is yet to expire and further contended that the Writ Petition is a pre-mature one and it is not at all maintainable and prays for dismissal of the same.

5.This Court has considered the rival submissions and perused the materials placed on record.

6.It is not in dispute that the petitioner on an earlier occasion filed W.P(MD)No.2965 of 2018 against the very same officials praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 10.01.2018 and consequently, direct them to protect Alavanthar Oorani situated in Survey Nos.791A, 791B and 791C admeasuring to an extent of 4.62 acres of the said Village and it was disposed of by this Court on 14.02.2018 on the above terms and as rightly pointed by the learned Special Government Pleader appearing for the respondents, the period granted by this Court to the third respondent herein to do the said exercise is not yet over.

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7.It is also to be pointed out at this juncture that the



petitioner has not impleaded Mr. Ishmathnoon, in whose favour licence was granted, as a party in this Writ Petition and in the considered opinion of this Court, the result of the exercise shall be carried out by the third respondent in terms of the order, dated 14.02.2018 made in W.P(MD)No.2965 of 2018, may take care of the interest of the petitioner.

8.It is also made clear that the respondents, after the completion of the exercise of the third respondent in terms of the above said order, shall also take cognizance of the said report and depending upon the same, shall take appropriate action in accordance with law as to the grievance expressed by the petitioner.

9.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

**To**

1. The District Collector,  
Collectorate,  
Ramanathapuram District.
2. The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Ramanathapuram District.
3. The Tahsildar,  
Office of the Tahsildar,  
Ramanathapuram District.

+ 1 CC TO Mr.R.SENTHIL KUMAR, ADVOCATE IN SR No. 53485  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53591

PS  
TE/KK/SAR-2 : 20/03/2018 : 3P/6C

W.P(MD)No.4727 of 2018 and  
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