



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.7178 of 2018 and
WMP(MD)No.6906 of 2018

V.Asokan

... Petitioner

vs.

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Madurai District, Madurai.
3. The Tahsildar,
Vadipatti Taluk,
Madurai District.
4. The Superintending Engineer,
PWD Department, 15-B, Mettupatti,
Vadipatty Taluk, Madurai.
5. The District Fire Officer,
Madurai District, Madurai.
6. The Station Fire Officer,
Alanganallur fire Station,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 7 herein to ensure that No construction is made over the water channel in S.Nos.48/7 & 48/8, Alanganallur village, Vadipatti Taluk, Madurai District and to see that character of water channel in S.Nos.48/7 & 48/8 is not modified for the purpose of construction of fire station.

For Petitioner	:	Mr.V.S.Kishok Kumar
For Respondents	:	Mr.K.Saravanan Government Advocate

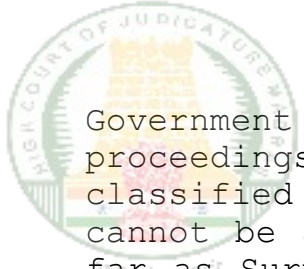
O R D E R

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

The grievance of the petitioner is that the proposed construction is likely to be made through water channel.

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

2.When the matter is taken up for hearing, the learned



Government Advocate appearing for the respondents, based upon the proceedings dated 14.01.2015 submitted that Survey No.48/7 has been classified as Government Assessed Waste Land. Therefore, there cannot be any objection in putting up the aforesaid channel. In so far as Survey No.48/8 is concerned, there is a small channel which is going on towards east from west and this channel will not be disturbed and the construction will be made by giving sufficient gap. So that, flow of water will not be affected.

3. In view of the same, this writ petition is disposed of with the observation that the water channel which is in existence in Survey No.48/8 shall not be disturbed as stated in the proceedings dated 14.01.2015. If the water channel runs through Survey No.48/7 also, the same cannot be disturbed, otherwise there is no impediment for putting up construction in Survey No.48/7 and after making sure that the running water in the channel in Survey No.48/8 is not disturbed. No costs. Consequently, WMP(MD)No.6906 of 2018 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Collector,
Madurai District, Madurai.
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6. The Station Fire Officer,
Alanganallur fire Station,
Madurai District.

+ 1 CC TO Mr.V.S.KISHOK KUMAR, ADVOCATE IN SR No. 79419
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79456

MJ

TE/JM/SV/SAR-3 : 12/09/2018 : 2P/9C

W.P. (MD) No.7178 of 2018
21.08.2018