



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P. [MD].No.15526 of 2018

R.Sureshkumar

: Petitioner

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Revenue Officer,
Thanjavur District, Thanjavur.
3. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
4. The Tahsildar,
Pabanasam Taluk, Pabanasam,
Thanjavur District.
5. Loganathan
6. Rajan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegally laid sand road across the Naduvaikkal canal in Kambarnatham Village, Pabanasam Taluk, Thanjavur District, allegedly committed by the respondents 5 and 6 and further repair and desilt it and ensure the free flow of water stream of Vadavaatru river through the Naduvaikkal canal for irrigating the so many hectares of agricultural lands on the basis of representation dated 07.07.2018.

For petitioner	: Mr.T.Indrachithu
For respondents 1 to 4	: Mr.N.Shanmugaselvam Additional Government Pleader
For Respondents 5&6	: Mr.H.Lakshmi Shankar



O R D E R

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

While the petitioner contends that the private respondents herein are encroachers, the learned counsel appearing for the respondents 5 and 6 submits that what has been done is the levelling of bund, over which the vehicles have been carried out.

2. In our view, the above issue needs to be looked into by the fourth respondent. Accordingly, we direct the fourth respondent herein to conduct an enquiry, by calling both the parties and decide the issue. If the version of the learned counsel for the respondents 5 and 6 is true, then, the respondents 5 and 6 should be permitted to use the bund alone without affecting the water stream. Such exercise will have to be done within a period of eight weeks from the date of receipt of a copy of this order.

3. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Revenue Officer,
Thanjavur District, Thanjavur.
3. The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
4. The Tahsildar,
Pabanasam Taluk, Pabanasam,
Thanjavur District.

+ 1 CC TO Mr.T.INDRACHITHU, ADVOCATE IN SR No. 92088

NB

TE/SKN/SAR-4 : 13/11/2018 : 2P/6C