



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 20.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

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W.P.No.6670 of 2009

M.P.Bhoopathy

...Petitioner

Vs

1. The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai 600 005.
2. Kaliammal
3. Krishnasami

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records of the first respondent in D.Dis.K.4/24753/2008, dated 17.02.2009 and quash the same.

For Petitioner : Mr.M.V.Krishnan
For Respondents : Mr.A.N.Thambidurai,
Spl.G.P., for R1
Mr.Silambanan, Senior Counsel
for M/s.Silambam Associates, for RR2 &3

ORDER

Heard Mr.M.V.Krishnan, learned counsel for the petitioner, Mr.A.N.Thambidurai, learned Special Government Pleader for the first respondent, and Mr.Silambanan, learned Senior Counsel for respondents 2 and 3.

2. This Writ Petition has been filed for issuance of a Writ of Certiorari to call for the records from the first respondent in D.Dis.K.4/24753/2008, dated 17.02.2009 and quash the same.

3. According to the petitioner, he is a resident of Sholanur Village, Pollachi Taluk, Coimbatore District. There is a Village Well situated in Grama Natham Poromboke in Survey No.278/2, Old Survey No.98/A1/A3, which has been used by all the Villagers for irrigating their lands from time immemorial.

4. The petitioner would allege that the respondents 2 and 3 have prevented the petitioner and other Villagers



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from using the common Well based on the patta issued in favour of the second respondent. Hence, a petition was presented to the District Collector, Coimbatore on 03.07.2006. Thereafter, the Tahsildar, Pollachi conducted inspection and submitted a report to the Sub Collector, Pollachi and based on the report, the patta was cancelled, which was confirmed by the District Revenue Officer. However, the first respondent, by the impugned order, has set aside the orders of the Sub Collector, Pollachi and the District Revenue Officer, Coimbatore.

5. The only grievance of the petitioner is that the private respondents are preventing the general public including the petitioner from taking water from the Well situated in Survey No.278/2.

6. It is seen from the records that based on the complaint of the petitioner, the Sub Collector, Pollachi cancelled the patta issued in favour of the second respondent and on revision, the District Revenue Officer, Coimbatore confirmed the order of the Sub Collector. When the matter reached the first respondent, the private respondents had given an undertaking that they will not prevent the public from taking water from the Well dug in Survey No.278/2.

7. The learned Special Government Pleader by producing a letter of the Tahsildar, Kinathukadavu, dated 08.02.2019 would state that the public of Sholanur Village in Pollachi Taluk are taking water from the Well in dispute and the private respondents are not preventing the public from taking water from the Well. The said letter is taken on file.

8. The learned Senior Counsel for the respondents 2 and 3 would state that the private respondents are not preventing the public from taking water from the Well in Survey No.278/2 and also affirmed the statement made by the Tahsildar, Kinathukadavu in the letter dated 08.02.2019.

9. Taking note of the above facts, this Court is of the opinion that no further adjudication is required in this Writ Petition. Accordingly, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

pvs



To
The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai 600 005.

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+1cc to M/s.Profex Associates , Advocate SR.No.50530

+1cc to Mr.M.V.Krishnan , Advocate SR.No. 50884

+1 cc to Government Pleader Sr.No. 51710

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A.SK(14/08/2019)