



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Ninth day of January Two Thousand and Nineteen

WEB COPY

CORAM :

The Hon'ble Mr. Justice R. SUBBIAH
and
The Hon'ble Mr Justice B. PUGALENDHI

WMP(MD) No.488 of 2019
IN
WP(MD) No.23401 of 2018

R.ARUMUGAM

... PETITIONER/PETITIONER

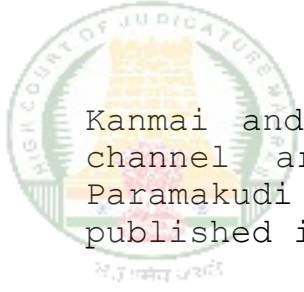
Vs

- 1 THE DISTRICT COLLECTOR,
RAMANATHAPURAM DISTRICT,
RAMANATHAPURAM.
- 2 THE REVENUE DIVISIONAL OFFICER,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT.
- 3 THE TAHSILDAR,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT.
- 4 THE BLOCK DEVELOPMENT OFFICER,
NAYINARKOIL, RAMANATHAPURAM DISTRICT.
- 5 THE ASSISTANT EXECUTIVE ENGINEER,
LOWER VAIGAI BASIN DIVISION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 6 THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
RAMANATHAPURAM DISTRICT.
- 7 THE EXECUTIVE ENGINEER,
HIGHWAYS DEPARTMENT (RURAL),
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

... RESPONDENTS/RESPONDENTS

Prayer in WMP(MD) No.488 of 2019:

<https://hcservices.ecourts.gov.in/hcservices/> Writ Miscellaneous Petition is filed under Article 226 of the constitution of India praying this Court to Appoint an Advocate commissioner to visit the channel area of Pandiyur to Siruvayal



Kanmai and ascertain as to whether any encroachment made in the channel area in S.No.45, 78 and 78/1 Kiliyur Sub Division, Paramakudi Taluk, Ramanathapuram District as per the Survey Map published in the Tamil Nadu Government Gazette dated 24.05.1979.

Prayer in WP(MD)No.23401 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to initiate appropriate action to remove encroachments and blockages in the canal between Pandiyur Kanmai and Siruvayal Kanmai and to restore the water flowing into the petitioners Village Kanmai enabling his villagers to carry on the cultivating activities.

ORDER : This Petition coming on for hearing on this day and upon perusing the Grounds of Appeal and the Writ Petition and the affidavit and upon hearing the arguments of Mr.C.K.M.APPAJI, Advocate for the petitioner, Mr.M.JEYAKUMAR, Additional Government Pleader on behalf of the Respondents No.1 to 3, 5 to 7 and of Mr.M.MURUGAN, Government Advocate on behalf of the Respondent No.4, this Court made the following order:-

(Order of the court was delivered by R.SUBBIAH. J.,)

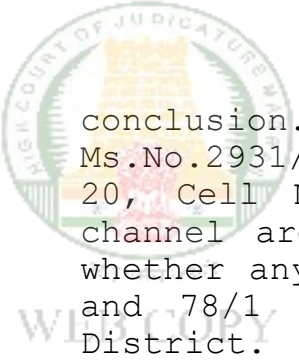
This Writ Petition has been filed for issuance of writ of mandamus directing the respondents to initiate appropriate action to remove encroachments and blockages in the canal between Pandiyur Kanmai and Siruvayal Kanmai and to restore the water flowing into the petitioner's Village Kanmai enabling his villagers to carry on the cultivating activities.

2. The learned Additional Government Pleader appearing for the respondents 1 to 3, 5 to 7 filed a counter affidavit dated 19.12.2018, wherein it is stated that there are no encroachments and blockages as alleged by the petitioner. The averment made in the counter affidavit was denied by the petitioner.

3. Today, the learned counsel for the petitioner has taken out a miscellaneous application in W.M.P(MD) No. 488 of 2019 for appointment of an Advocate Commissioner to visit the channel area of Panadiyur to Siruvayal Kanmai and ascertain as to whether any encroachment is made in the channel area in S.No.45, 78 and 78/1 Kiliyur Sub Division, Paramakudi Taluk, Ramanathapuram District.

4. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3, 5 to 7 and the learned Government Advocate appearing for the fourth respondent.

5. On hearing the submissions, we are of the opinion that a report of an Advocate Commissioner would help for effective adjudication of this case and for arriving just and proper



conclusion. Hence, we appoint Mr.Niranjan S. Kumar (Enrolment Ms.No.2931/2008 No.18/10, East First Street, K.K.Nagar, Madurai - 20, Cell No. 99445 11159) as an Advocate Commissioner to visit channel area of Pandiyur to Siruvayal Kanmai and ascertain as to whether any encroachment is made in the channel area in S.No.45, 78 and 78/1 Kiliyur Sub Division, Paramakudi Taluk, Ramanathapuram District.

6. The learned Advocate Commissioner shall visit the channel with the assistance of Revenue Department officials and Highways Department authorities and file a report on or before 21.01.2019.

7. The petitioner is directed to pay a sum of Rs.15,000/- (Rupees fifteen thousand only) as an initial remuneration to the learned Advocate Commissioner.

8. Post the matter on 21.01.2019.

Sd/-

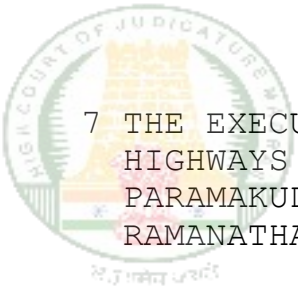
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

TO

- 1 THE DISTRICT COLLECTOR,
RAMANATHAPURAM DISTRICT,
RAMANATHAPURAM.
- 2 THE REVENUE DIVISIONAL OFFICER,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT.
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PUBLIC WORKS DEPARTMENT,
RAMANATHAPURAM DISTRICT.



7 THE EXECUTIVE ENGINEER,
HIGHWAYS DEPARTMENT (RURAL),
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

COPY TO: -

Mr.NIRANJAN S. KUMAR, (CELL No. 99445 11159)
ADVOCATE,
No.18/10, EAST FIRST STREET,
K.K.NAGAR, MADURAI - 20)

ORDER DATE : 09.01.2019
HEARING DATE : 21.01.2019

ORDER

WMP(MD) No.488 of 2019 IN
WP(MD) No.23401 of 2018

Giving directions etc., as
stated within.

TE/PM/SAR-3 : 10/01/2019 : 4P/9C