



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.21646 of 2018

and

W.M.P.(MD)No.19547 of 2018

Mariadoss

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Kalayarkoil Taluk,
Sivagangai District.

3.Ravi @ Ravichandran

4.Kannappan

5.Rajendran

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the second respondent from dispossessing or evicting the petitioner from the land measuring 3895½ Sq.ft. In old S.No.23/1B and new S.No.23/23 in Somanathamangalam village, Kalayarkovil Taluk, Sivagangai District, on the guise of the detail channel running therein, except under due process of law.

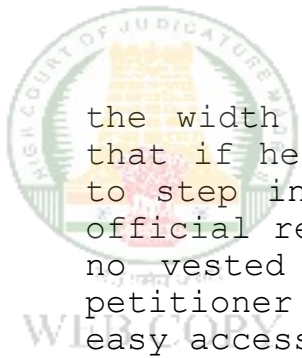
For Petitioner : Mr.R.Suriya Narayanan
For Respondents 1 and 2 : Mr.M.Murugan, GA

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Suriya Narayanan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 and 2.

2.The petitioner is before this Court on an apprehension that he is likely to be evicted from his private patta land. The petitioner would admit that there is a detailed water channel, which is in existence now. As per the records, the petitioner states that



the width of the channel is 3 metres. The petitioner would state that if he is stepped out of the private patta land, he would have to step into the channel. The channel has to be preserved by the official respondents and the petitioner or any other persons has got no vested right to encroach or obligate the water channel. The petitioner would further state that a pipe line can be laid for his easy access in the private patta land.

3.We do not wish to make any observation, as it may make further complications and liable to be misused. Therefore, we direct the official respondents not to disturb the petitioner from his patta land. If there is any encroachment found in the channel or in the Government land, the same shall be removed by following due process of law.

4.With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Kalayarkoil Taluk,
Sivagangai District.

+1 CC to Mr.R.SURIYANARAYANAN, Advocate SR-85730.

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CS(24.09.2019) 2P 4C