



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.12295 of 2020
and W.M.P.Nos.15097 & 22940 of 2020

C.Ramakrishnan

... Petitioner

Vs

1. The President,
Panchayat Board, Panaiyur,
Thiruthuraipoondi Taluk,
Tiruvarur District.
2. The Tahsildar,
Thiruthuraipoondi Taluk,
Tahildar Office,
Thiruthuraipoondi,
Tiruvarur District.
3. The Block Development Officer,
Panchayat Union Office,
Thiruthuraipoondi,
Tiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein from in any way interfering with the petitioner's possession and enjoyment of the 5 tanks in Survey Nos.22/1, 22/8, 23/2A and 26/1A in Komalapettai Village, Thiruthuraipoondi, Tiruvarur District.

For Petitioner : Mr.B.Ramamoorthy
For R1 : Mr.J.Ramesh, AGP
For R2 : Mr.P.Chinnadurai, AGP
For R3 : Mr.E.BalaMurugan, Spl.GP

ORDER

The prayer made in this writ petition is to direct the respondents from in any way interfering with the petitioner's possession and enjoyment of the 5 tanks in Survey Nos.22/1, 22/8, 23/2A and 26/1A in Komalapettai Village, Thiruthuraipoondi, Tiruvarur District.



2. Upon notice, the respondents 1 & 3 filed a detailed counter affidavit, inter alia stating that the matters of possession and enjoyment and fishery rights are involving civil rights and the same have to be dealt with only by the competent Civil Court and hence, the petitioner cannot seek any remedy by way of instituting writ petition. It is also stated therein that there is a restriction already in existence that no case will lie in the matter of public water bodies and that will be decided by the competent Court. Therefore, this writ petition is liable to be dismissed.

3. The second respondent also filed a counter affidavit stating that the matter of fishery rights and connected issues are only with the Rural Development and Panchayat Raj Department and hence, this respondent/Tahsildar, Thiruthuraipoondi Taluk of Revenue Department, has no role to say anything in this writ petition.

4. However, today, When the matter was taken up for consideration, the learned counsel for the petitioner submitted that the relief sought for herein has become infructuous and hence, the writ petition may be closed with liberty to the petitioner to approach the authority concerned for any other relief.

5. Granting such liberty to the petitioner, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The President,
Panchayat Board, Panaiyur,
Thiruthuraipoondi Taluk,
Tiruvarur District.
2. The Tahsildar,
Thiruthuraipoondi Taluk,
Tahildar Office,
Thiruthuraipoondi,
Tiruvarur District.



3. The Block Development Officer,
Panchayat Union Office,
Thiruthuraipoondi,
Tiruvarur District.

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+2cc to Mr.B.Ramamoorthy, Advocate Sr.23281
+1cc to the Government Pleader Sr.23121

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sr-II[co]
srg 19/07/2021