



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.14081 of 2020

Boominathan

... Petitioner

Vs.

1) The District Collector,
Virudhunagar District,
Virudhunagar.

2) The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai 626 101
Virudhunagar District.

3) The Assistant Executive Engineer,
Public Work Department Office,
Kundaru Division,
Kariyapatti 626 106
Virudhunagar District.

4) The Tahsildar,
Thiruchuli,
Virudhunagar District.

5) The Tahsildar,
Kariyapatti,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent herein to consider petitioner's representation dated 06.03.2020 and further directing the 3rd respondent to comply the resolution passed by the 2nd respondent in the peace committee meeting held on 23.11.2019 and pass appropriate orders to close the channel laying in the Chennilagudi Kanmai which is wrongly dig by the 3rd respondent and pass appropriate order within a time stipulated by this Court.

For Petitioner : Mr.S.Rajesh Kanna
For Mr.D.Nallathambi

For Respondents : Mr.C.Ramesh,
Special Government Pleader.



O R D E R

Mr.C.Ramesh, learned Special Government Pleader accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to consider the petitioner's representation dated 06.03.2020 and further direct the third respondent to comply with the Resolution passed by the second respondent in the Peace Committee meeting held on 23.11.2019 and to pass appropriate orders to close the channel lying in Chennilakudi Kanmai, which was wrongly dug by the third respondent.

3. As seen from the affidavit filed in support of the writ petition, there seems to be a dispute between the villagers of two villages, namely Kambali and Chennilakudi, with regard to two water channels situated in S.No.19/1 at Kambali village and S.No.8 at Chennilakudi village. A Peace Committee was organized by the Revenue Divisional Officer, Arupukottai between the two villages and a Resolution was passed on 23.11.2019. As seen from the said Resolution, Chennilakudi water channel was directed to be closed, as it was wrongly dug by the Public Works Department, Kariyapatti.

4. According to the learned counsel for the petitioner, despite the Resolution of the Peace Committee, till date, the water channel at Chennilakudi has not been closed. The petitioner has also given a representation on 06.03.2020 for the closure of Chennilakudi water channel. According to the petitioner, the said representation has not been considered by the third respondent till date, and in such circumstances, this writ petition has been filed.

5. This Court has perused and examined the documents filed along with this writ petition. The Resolution passed by the Peace Committee organized by the Revenue Divisional Officer, Arupukkottai / second respondent herein, dated 23.11.2019 directs the closure of the water channel at Chennilakudi. It is the contention of the petitioner that, till date, the said water channel has not been closed despite the Peace Committee Resolution. In this writ petition, the petitioner only seeks compliance of the Resolution of the Peace Committee meeting, dated 23.11.2019 by closing the Chennilkudi water channel. The petitioner has also given a representation dated 06.03.2020 to the third respondent requesting them to close the water channel as per the Peace Committee Resolution, dated 23.11.2019. Admittedly, till date, the said representation has not been considered by the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 6. No prejudice would be caused to the respondents if the said



representation of the petitioner is considered by the respondents on merits and in accordance with law in the light of the Peace Committee resolution dated 23.11.2019.

7. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation, dated 06.03.2020 for closure of the Chennilakudi water channel, after giving due consideration to the Peace Committee Resolution, dated 23.11.2019 on merits and in accordance with law and pass final orders within a period of six weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The District Collector,
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5) The Tahsildar,
Kariyapatti,
Virudhunagar District.

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-19669[F] dated 09/10/2020)

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+1 CC to M/s.GP (SR-19772[F] dated 12/10/2020)

W.P. (MD) No.14081 of 2020

Dated:

09.10.2020

MA (CO)

KK(05.11.2020) 4P 8C