



WEB COPY

W.P.(MD)No.17244 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.17244 of 2020

and

W.M.P. (MD)Nos.14429 and 14432 of 2020

S.Palaniammal

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
O/o the Tahsildar,
Ottanchatram Taluk,
Dindigul District.
- 3.The Assistant Executive Engineer(Water Bodies),
Public Works Department,
Near Checkpost,
Ottanchatram,
Dindigul District.
- 4.The Superintending Engineer,
Office of the Superintending Engineer,
TANGEDCO,
Angunagar SS Complex, M.N.Patty,
Dindigul-624 002.
- 5.The Executive Engineer,
Office of the Executive Engineer,
TANGEDCO,
Ottanchatram,
Dindigul District.
- 6.The Assistant Engineer,
Office of the Assistant Engineer,
TANGEDCO,
Ottanchatram,
Dindigul District.
- 7.The Block Development Officer,
Panchayat Union Office,
Ottanchatram,
Dindigul District.



8.Senthil
9.Natarajan
10.Ponnusamy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1, 2, 3 and 7 to remove the encroachments made by the respondents 8 to 10 and ensure free flow of water in the course of the water channel in the Odai Poromboke land in Survey No.619/2 and 640/5 of Virupatchi Village, Ottanchatram Taluk, Dindigul District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader
for R.1 to R.3
: Mr.S.M.S.Johny Basha
for R.4 to R.6
: Mr.P.Kannithevan
Additional Government Pleader
for R.7

ORDER

(Order of the Court was made by N.KIRUBAKARAN,J)

The Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1, 2, 3 and 7 to remove the encroachments made by the respondents 8 to 10 in the water channel in the Odai Poromboke land comprised in Survey Nos.619/2 and 640/5 of Virupatchi Village, Ottanchatram Taluk, Dindigul District.

2. Heard the learned Counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3, the learned Standing Counsel appearing for the respondents 4 to 6 and the learned Additional Government Pleader appearing for the seventh respondent and perused the materials placed on record.

3. Though it is stated by the learned Counsel appearing for the petitioner that the above stated lands are water bodies and the private respondents encroached upon the properties, a communication, dated 30.11.2020, given by the Tahsildar, Ottanchathiram, to the learned Special Government Pleader, would reveal that Mr.Senthil - eighth respondent is owning the property in Survey No.619/1A admeasuring to an extent of 0.220 Hectares and in the above survey number only, he erected a bore well and he has not encroached upon the water body as alleged by the petitioner.



4. In view of the above, there is no merit in this Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

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,
Dindigul District, Dindigul.

2.The Tahsildar,
O/o the Tahsildar,
Ottanchatram Taluk,
Dindigul District.

3.The Assistant Executive Engineer(Water Bodies),
Public Works Department,
Near Checkpost,
Ottanchatram, Dindigul District.

4.The Block Development Officer,
Panchayat Union Office,
Ottanchatram,
Dindigul District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-23586[F] dated 02/12/2020)

+1 CC to M/s.GP (SR-23627[F] dated 02/12/2020)

W.P. (MD)No.17244 of 2020

and

W.M.P. (MD)Nos.14429 and 14432 of 2020

01.12.2020

SSS (CO)

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