



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.21332 of 2017

in

W.M.P. (MD) .No.17593 of 2017

Francis Malarvizhi @ Malar

.. Petitioner

Vs.

- 1.The District Collector,
Tiruchirapalli District.
- 2.The District Revenue Officer,
Tiruchirappalli District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Lalgudi, Tiruchirappalli District.
- 4.The Tahsildar,
Lalgudi Taluk,
Tiruchirappalli District.
- 5.Arockiya Mary

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings, bearing No.Na.Ka.Aa1/32670/2013, dated 08.06.2017, and quash the same and direct the respondents to restore the Kannar/Irrigation channel running through S.F.No.112/7 situated at Mettupatti Village, Lalgudi Taluk, Tiruchirappalli District.

For Petitioner : Mr.J.Maria Roseline

For Respondents: Mr.A.Muthukaruppan for R1 to R4
Additional Government Pleader
Mr.S.Vivalingam for R5



ORDER

This writ petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings, bearing No.Na.Ka.Aa1/32670/2013, dated 08.06.2017, and quash the same and direct the respondents to restore the Kannar/Irrigation channel running through S.F.No.112/7 situated at Mettupatti Village, Lalgudi Taluk, Tiruchirappalli District.

2.The petitioner states that her family owns several parcels of nanja lands in Mettupatti Village in Lalgudi Taluk and these lands along with other lands are covered under the Cauvery Delta Irrigation System. The petitioner's further case is that there is an irrigation channel known as Kurichi Vaikal running in S.F.No.109 at Mettupatti Village and that from the said survey field another channel which is also detailed in Revenue records branches off and runs adjoining S.F.No.112/7 and through several survey fields and thereafter joins another channel runs in the west. Giving descriptions to the channel which runs adjoining S.F.No.112/7, the petitioner states that the said irrigation channel which serves the petitioner's lands was obliterated by the 5th respondent along with the varappu which is adjoining S.F.No.112/7. A representation was submitted by the petitioner before the 3rd respondent. The 3rd respondent rejected the request of petitioner to restore the channel on the grounds that the 5th respondent has obtained an order of injunction in a suit in respect of S.No.112/7 and that no irrigation facility is enjoyed by the farmers through any common channel. On appeal by petitioner, the second respondent also held that the detailed channel in S.F.No.112/7 which is a patta land is not required for irrigation.

3.Except repeatedly saying that the petitioner is the ayakatudar and she is entitled to draw water from channel, the petitioner is unable to convince this Court that the findings of the Revenue officials are erroneous. This Court sitting under Article 226 of Constitution of India, may not go into disputed question of fact. The learned counsel for the petitioner is unable to point out any serious error either in the decision making process or in appreciation of the facts and materials considered by the authorities. It is admitted that a suit filed by 5th respondent is pending. An interim order of injunction is also granted during the pendency of suit. Before the Civil Court, the petitioner claims ownership over the land in dispute. Hence, this Court is unable to interfere with the order of second respondent.

4.The petitioner states that there was a channel in existence and it was available for the benefit of ayakatudars including the petitioner.



5.Hence, with liberty to the petitioner to work out her remedy before the Civil Court to establish her right as ayakatudar to draw water and to establish the existence of channel, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Tiruchirapalli District.
- 2.The District Revenue Officer,
Tiruchirappalli District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Lalgudi, Tiruchirappalli District.
- 4.The Tahsildar,
Lalgudi Taluk,
Tiruchirappalli District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-5263[F]

+1 CC to M/s.J.MARIA ROSELINE, Advocate (SR-5291[F]

+1 CC to M/s.Special Govt.Pleader (SR-5384[F]

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