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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.11964 OF 2014

AND

M.P.NO.1 OF 2014

A.Gunasekaran

... Petitioner

Vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The Block Development Officer,
Vennandur, Namakkal District.
3. The President,
Kullankulam Panchayath,
Vennandur, Namakkal.

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the second and third respondents from closing or draining the waste water into the small water pond Viz., "Sannathu Kuttai" as classified in the revenue records, which is the one and only water feeding source to the petitioner's patta land, measuring about 0.07.5 hectares, situated in Survey No.25/4 of Kullankulam Village, Vennandur Panchayath, Rasipuram Taluk, Namakkal District.

For Petitioner : Mr.K.A.Mariappan

For R1 : Mr.Richardson Wilson
Government Advocate

For R2 & R3 : M/s.G.Vaishali
for M/s.K.V.Dhanapalan



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ORDER

This Writ Petition has been filed to issue a writ of mandamus, directing the second and third respondents from closing or draining the waste water into the small water pond Viz., "Sannathu Kuttai" as classified in the revenue records, which is the one and only water feeding source to the petitioner's patta land, measuring about 0.07.5 hectares, situated in Survey No.25/4 of Kullankulam Village, Vennandur Panchayath, Rasipuram Taluk, Namakkal District.

2. Heard, Mr.K.A.Mariappan, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the first respondent and M/s.G.Vaishali, learned counsel appearing for the respondents 2 and 3.

3. The case of the petitioner is that the settlement deed executed by his father registered vide document No.461 of 2007 in respect of the property comprised in survey No.36/10 ad-measuring 4.17 acres and in survey No.36/15 ad-measuring 0.17 acres situated at Kallankulam Village, Rasipuram Taluk, Namakkal District in favour him. On the date of the settlement deed, the petitioner is in possession and enjoyment of the same. According to the water source available from the neighbouring survey No.25/4 ad-measuring 0.07.5 hectares, which is classified as "Sannathu Kuttai" in the revenue records, by way of settlement deed, he has right to draw the water from the said "Sannathu Kuttai".

4. A perusal of the revenue records reveals that the land, comprised in survey No.25/4 ad-measuring 0.07.5 hectares, was classified as Government Poramboke "Sannathu Kuttai". Admittedly, the pond belongs to the Government. The petitioner, now came through the settlement deed, which was executed by his father in respect of other properties, settling the right to draw the water from the pond, which is situated in the Government Poramboke.

5. This Writ Petition has been filed as if the second and third respondents are attempted to close the pond and draining the waste water into the pond. The father of the petitioner herein had absolutely no right over the said "Sannathu Kuttai", which is classified as Government Poramboke, settling the same, in favour of the petitioner to draw the water from the said "Sannathu Kuttai", on the strength of the settlement deed executed by his father. The petitioner and his father have simply created a settlement deed and on the basis of the said settlement deed, no right confers to the petitioner to draw the water from the said "Sannathu Kuttai". However, the respondents 2 and 3 cannot close the said "Sannathu Kuttai". Therefore, the Writ Petition is devoid of merits.



6. In view of the above, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Namakkal District,
Namakkal.

2. The Block Development Officer,
Vennandur, Namakkal District.

3. The President,
Kullankulam Panchayath,
Vennandur, Namakkal.

+1cc to Mr.K.V.Dhanapalan, Advocate, S.R.No.40451
+1cc to Mr.K.A.Mariappan, Advocate, S.R.No.40002
+1cc to the Government Pleader, S.R.No.40056

W.P.No.11964 of 2014
and
M.P.No.1 of 2014

AD(CO)
PM/25/10/2021