



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.2619 of 2021

and W.M.P. (MD) No.2158 of 2021

T.Govindarajan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Thasildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.

3.The Chief Engineer,
Public Works Department,
Cauvery Basin WRO,
Trichy Region,
Trichy - 20.

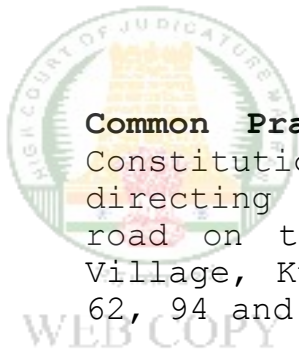
4.The Superintending Engineer,
Public Works Department,
Keelcavery Basin,
Thanjavur District.

5.The Assistant Engineer,
Public Works Department WRO,
Kumbakonam,
Thanjavur District.

6.The Assistant Director,
Town and Country Planning,
Rajappa Nagar 1st Street,
Medical College Road,
Thanjavur District.

7.Mohammed Ali

... Respondents



Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the Respondents 1 to 6 not to permit any one to develop road on the both sides of PWD Channel passing through Eragaram Village, Kumbakonam Taluk, Thanjavur District comprised in S.No.58, 62, 94 and 69, named as Sridevi Channel.

For Petitioner : Mr.R.Murali
For Respondents 1 to 6 : Mr.K.P.Krishnadoss
Special Government Pleader
For 7th Respondent : Mr.M.Ajmal Khan,
Senior Counsel for
M/s.Ajmal Associates

* * * * *

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this Writ Petition with the apprehension that the respondent No.7 is laying a road within the channel.

2.In the counter affidavit filed by respondent No.6 the following statements have been made:-

"5. I respectfully submit that the averments made in para 5 regarding Sridevi Channel is admitted. The averments made in para 6 against the 7th respondents and his family members had purchased lands in various survey number at Erharam Village is true and the same is borne by records, but this respondent has no knowledge of the exact extent and survey number of the 7th respondent above his lands. Hence it is false to state that the respondents 3 to 5 indirectly helping 7th respondent to develop a road to reach his large extent of property purchased by him in various survey number. It is true that the Sridevi Channel running in the middle of the large extent of agriculture fields but it is not true and correct to state that the channel width is 25 to 30 feet. In fact as per the revenue records the channel width is 18.2 mtrs (60 feet). Further the allegation that unauthorized pipe culvert are made in the above channel to facilitate 7th respondent to reach his property and this respondent failed to take action against 7th respondent are not true and correct.

6. I submit that in fact the local villagers have put up the said unauthorized pipe culvert in order to cross the channel for their agriculture purpose. In these circumstances the 7th respondent had approached the



respondents 3 to 5, to grant permission to built a small bridge across the channel for carry out agricultural works for himself and the use of public, After thoroughly assessing the necessity and bonafied requirement for the bridge over the said channel, "the execute Engineer, PWD/WRD, Cauvery Basin Division Thanjavur" has approved the construction of a private bridge over the said channel by the 7th respondent herein out of his own fund as per the terms and condition stipulated in the order vide Lr.No.389(m)/2020/D2/F15(NOC) dated 31.12.2020. The said order copy is filed herewith and the same may be read as part hereof. On going through the said order it will be seen clearly that the said order is passed bonafidely on merit for the benefit of the all farmers in said locality. Thus the petitioner has burgled the above facts and come forward with a false case as if the 7th respondent is attempting to lay a road on both side of the channel with the assistance of this respondent department. As per the knowledge of this respondent, the alleged mud pathway is already in existence. Hence, it is false to state that only now the 7th respondent with the help of this respondent department is attempting to form the said mud road."

From the above, it is clear that what is proposed to be done is laying of the small culvert upon getting permission by respondent No.7.

3.In such view of the matter, the Writ Petition stands closed as there is no basis for the apprehension. However, the channel as stated in paragraph No.5 by respondent No.5 will have to be maintained. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Thanjavur District,
Thanjavur.
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Kumbakonam,
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Town and Country Planning,
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Thanjavur District.

+1 CC to M/s.R.MURALI, Advocate (SR-14984[F] dated
01/04/2021)

+1 CC to M/s.SPL GP (SR-15007[F] dated
01/04/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-15303
[F] dated 01/04/2021)

W.P. (MD)No.2619 of 2021
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AK(11/05/2021) 4P 10C