



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.8662 of 2021

1. Pandidurai
2. S.Karmegam
3. K.Murugesan

.. Petitioners

Vs

1. The District Collector,
Pudukottai District,
Pudukottai.
2. The Assistant Director (Panchayat),
Rural Development,
Pudukottai District,
Pudukottai.
3. The Executive Engineer,
Public Works Department,
Water Resource Organization, (WRO),
South Vellaru Basin,
Pudukottai District.
4. The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization, (WRO),
South Vellaru Basin,
Pudukottai District.
5. The Divisional Engineer,
Highways Department (Construction and
Maintenance),
Thirukokarnam,
Pudukottai District.
6. The Assistant Divisional Engineer,
Highways Department (Construction and
Maintenance),
Thirukokarnam.



7. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

8. The Block Development Officer,
Aranthangi Village Panchayat Union,
Pudukottai District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 3 and 4 to include Kunnakurumbi Tank situate in S.F.No.304 of Silatur Revenue Village, Aranthangi Taluk, Pudukottai District in the list of tanks maintained by the Public Works Department and consequently direct the respondents 3 and 4 to remove the encroachments made within the tank and in the feeding channels of Kunnakurumbi Tank and also direct the respondents to render proper maintenance of the Culverts through which feeding channels are passing within a stipulated time based on petitioner's representation dated 23.03.2021.

For Petitioners : K.Baalasundharam

For respondents : Mr.R.Baskaran,
Government Counsel

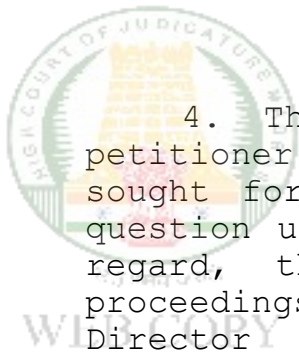
ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.Baalasundharam, learned counsel appearing for the petitioners and Mr.R.Baskaran, learned Government Counsel appearing for the respondents.

2. This writ petition has been filed praying for a direction to the respondents 3 and 4, to include Kunnakurumbi Tank situated in S.F.No.304 of Silatur Revenue Village, Aranthangi Taluk, Pudukottai District in the list of tanks maintained by the Public Works Department and consequently direct the respondents 3 and 4 to remove the encroachments made within the tank, in the feeding channels and in the Culverts, by considering the representation of the petitioner dated 23.03.2021.

3. Pursuant to the interim direction issued by this Court, the Assistant Divisional Engineer, Highways Department (Construction and Maintenance), Aranthangi, appears to have issued appropriate instructions and the Culvert Nos.76/2, 78/1, 78/3, 79/1 and 79/2 had been cleared of all encroachments and debris, etc.



4. Therefore, one limb of the prayer sought for by the petitioner appears to be fulfilled. There are two more reliefs sought for by the writ petitioner, one is to bring the tank in question under the control of the Public Works Department. In this regard, the learned counsel has drawn our attention to the proceedings of the third respondent addressed to the Assistant Director of Panchayat, Pudukottai District, dated 22.10.2019, wherein, there is an agreement that the tank should be brought under the control of the Public Works Department as the extent of ayakut is more than 100 acres. However, till date nothing is happened in this matter.

5. Hence, we direct the second respondent to follow-up the matter, pursuant to the proceedings dated 22.10.2019 and implement the same and get the tank included under the list of tanks maintained by the Public Works Department. Action in this regard be taken within a period of four months from the date of receipt of a copy of this order.

6. As of now, the Authorities have ensured that the Culverts have been cleared. However, it is not sufficient that the Culverts alone should be cleared, the feeding channels also should be cleared. Therefore, the Authorities, namely, fourth respondent shall conduct the inspection of the feeding channels and if there is any encroachments, growth of shrubs, etc., the same shall also be cleared in the time bound manner.

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

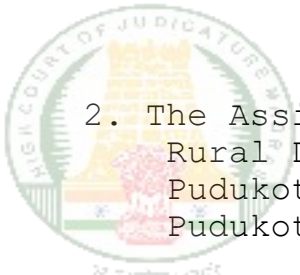
Sub Assistant Registrar(CS)

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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,
Pudukottai District,
Pudukottai.



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+1 CC to M/s.SPL GP (SR-20184[F] dated 24/06/2021)

W.P. (MD) No.8662 of 2021
23.06.2021

KB(02.07.2021) 4P 10C