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W.P.(MD)No.8548 of 2021

U.Sonaiyappan v. The District Collector

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8548 of 2021

(Through Video Conferencing)

U.Sonaiyappan

... Petitioner

Vs.

1.The District Collector
Office of the Collectorate
Sivagangai District

2.The Assistant Director of Survey
District Survey Office,
Collectorate Complex,
Sivagangai
Sivagangai District

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai
Sivagangai District.

4.The Tahsildar,
Taluk Office,
Karaikudi, Sivagangai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 4th respondent to restore the water channel in Survey No.78/10, 78/12 in Keelapungudi Village, Karaikudi Taluk, Sivagangai District enabling the petitioner to obtain water from "Pungudi Kanmai" to the petitioner's lands situated in Survey No.78/9A at Keelapungudi Village, Karaikudi Taluk, Sivagangai District on the basis of the proceedings of the 2nd respondent in Na.Ka.A1/2121/2019 dated 19.09.2019.

For Petitioner

:Mr.D.Senthil

For Respondents

:Mr.K.P.Narayanakumar

Special Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the fourth respondent to consider the representation made by the petitioner on 29.08.2020, wherein the

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petitioner has sought for restoration of the water channel in line with the proceedings of the second respondent dated 19.09.2019.

2. The case of the petitioner is that the petitioner and the other adjacent land owners were getting water through the water channel, which is under the control of the Public Works Department.

3. The further case of the petitioner is that the rival party had removed the channel and thereby deprived the petitioner and others from getting the water from the water channel.

4. The petitioner made a representation to the second respondent in this regard and the second respondent through the proceedings dated 19.09.2019 directed the fourth respondent to restore the water channel and incorporate the same in the relevant records and report the same before the second respondent.

5. Subsequent to the above proceedings of the second respondent, the petitioner also made a representation to the respondents to restore the water channel. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

7. Taking into consideration the facts and circumstances of the case and also the proceedings of the second respondent dated 19.09.2019, there shall be a direction to the fourth respondent to consider the representation made by the petitioner on 29.08.2020 and pass necessary orders in line with the proceedings of the second respondent and restore the water channel within eight weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the fourth respondent along with all the relevant documents and also a copy of this order.

9. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

// 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
Office of the Collectorate
Sivagangai District
- 2.The Assistant Director of Survey
District Survey Office,
Collectorate Complex,
Sivagangai
Sivagangai District
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai
Sivagangai District.
- 4.The Tahsildar,
Taluk Office,
Karaikudi, Sivagangai District.

+1 CC to M/s.D.SENTHIL, Advocate (SR-17594[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17741[F] dated 27/04/2021)

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26.04.2021

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