



WEB COPY

W.P.(MD)No.9199of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.9199 of 2020

(Through Video Conferencing)

AR.Murugappan

: Petitioner

Vs.

1.The District Collector
Sivagangai, Sivagangai District.

2.The Tahsildar,
Karaikudi, Sivagangai District.

3.The Block Development Officer,
Sakkottai Panchayat Union,
Karaikudi Taluk
Sivagangai District

4.The Executive Officer,
Kottaiyur Panchayat,
Velangudi Village
Kottaiyur Post, Karaikudi Taluk
Sivagangai District.

5.Pandithurai

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents 1 to 3 herein to ensure that the renovation of water channel passing through the lands in S.Nos.339, 339/2, 340, 347, 408, 336, 355, 357, 359, 364, 372, 325, 378 and 379 situated at Kadambavanam, Velangudi Village are done without affecting the public pathway in existence by considering the representation dated 29.07.2020 given by the writ petitioner.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.K.P.Krishnadoss for R1 & R2

Special Government Pleader

Mr.J.Gunaseelan Muthiah for R3 & R4

ORDER

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

The grievance of the petitioner is that in the process of dredging the sand in the water channel, the existing pathway shall not be affected.

<https://hcservices.ecourts.gov.in/hcservices/>



2.In the counter affidavit filed by the respondent, the following statement has been made:

"5.I submit that on 15.09.2020 the people of the Thiruvelangudi village had sent a representation to the District Collector to start the restoration of the Water channel and let the water flow to all the beneficiaries who use the above said water channel. Therefore, the District Collector had approved for renovate the said water channel by his proceedings dated 15.09.2020. Therefore, the authorities for the welfare of the villagers they had renovate the S.No.339/2 Northern side 238.8 meters length and southern side 231.0 meters length and top stretch 23 meters and down stretch 23.8 meters S.No.340 Northern side 289.2 meters length and southern side 282.0 meters length and top stretch 23.8 meters and down stretch 23.8 meters, in S.No.347 Northern side 257.6 meters length and southern side 270.6 meters length and top stretch 23.8 meters and down stretch 26.8 meters and in S.No.408 Northern side 277.2 meters length and southern side 245.2 meters length and top stretch 26.8 meters and down stretch 42.4 meters length and total length in northern side 1062.8 meters and southern side 1028.8 meters had been dredged and there is a pathway to the extent 8 feet stretch is there.

6.It is further state that as per the revenue records the official are taking proper steps and have not disturbed the existing pathway and also dredging the sand in the water channel to its smooth water flow for the welfare of the public and the use of agriculture."

3. Recording the statement made, this writ petition stands closed. No costs.

Sd/-

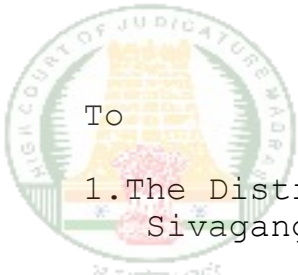
Assistant Registrar (CRL)

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/ /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
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2.The Tahsildar,
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+1 CC to M/s.SPL GP (SR-12947[F] dated 23/03/2021)

+1 CC to M/s.D.VENKATESH, Advocate (SR-13265[F] dated 24/03/2021)

W.P. (MD)No.9199 of 2020

Dated: 22.03.2021

NSM(CO)

KB(22.04.2021) 3P 7C