



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.13993 of 2020

K.Perunkarai Kanmai and Idayan Kanmai Ayyakattudars,
Rep. by its
Ayyakattudar,
P.Lakshmanan,
S/o. V.Perumal,
K.Perunkarai Village,
Mallal Firka,
Kalaiyar Kovil Taluk,
Sivaganga District.

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivaganga.
- 3.The Tasildhar,
Taluk Office,
Kalaiyar Kovil.
- 4.Muthusamy
- 5.K.Subramanian
- 6.Muthusamy
- 7.Ariya Devan
- 8.C.Sathasivam
- 9.V.Raja Gopal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to remove the encroachment in Odai Poramboke in S.No.64, 65 and Government Poramboke in S.No.81 K.Perunkarai Village, Mallal Firka, Kalaiyar Kovil Taluk, Sivagangai District and consequently directing the 2nd and 3rd Respondents to monitoring the K.Perun Kanmai water and Idayan Kanmai water without deviating from irrigation of wet lands of the petitioner's village in accordance with law.

For Petitioner

: Mr.J.John

For Respondent Nos.1 to 3

: Mr.A.K.Manickam

Standing Counsel for Government



For Respondent No.4 : Mr.S.Srinivasaragavan

For Respondent Nos.5, 8 & 9 : No appearance

For Respondent No.7 : Ms.A.Banumathy

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ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The petitioner, by way of this Public Interest Litigation, seeks for a direction upon Respondents 1 to 3 to remove the encroachment in Odai Poramboke in S.Nos.64 and 65 and Government Poramboke in S.No.81, K.Perunkarai Village, Mallal Firka, Kalaiyar Kovil Taluk, Sivagangai District and consequently, a direction upon Respondent Nos.2 and 3 to monitor the K.Perunkarai Kanmai water and Idayan Kanmai water without deviating from irrigating the wet lands of the petitioner's village in accordance with law.

2.According to the petitioner, the private respondents are diverting the water from the Kanmai for personal purposes, as a result, the Ayyakattudars are unable to enjoy the water. Apart from that, there is encroachment in the water Canal/Odai.

3.Learned counsel appearing for the fourth respondent submitted that his client has not caused any encroachment in the poramboke land and doing agricultural activity taking the water from Canal/Odai.

4.In any event, if there is any obstruction to the flow of water to Ayyakattu, then the authorities should take immediate action. Therefore, we direct the third respondent to depute his officers to inspect the area in question, preferably, by way of surprise inspection and after the inspection is completed issue notice to the petitioner and the private respondents and take appropriate action in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5.The Writ Petition stands disposed of with the above directions. No costs.

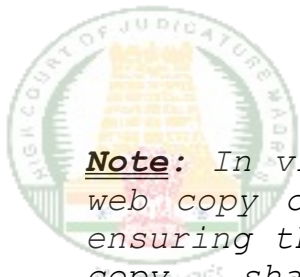
Sd/-

Assistant Registrar (CSIII)

// 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,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivaganga.

3.The Tasildhar,
Taluk Office,
Kalaiyar Kovil.

+1 CC to M/s.S.SRINIVASARAGHAVAN, Advocate (SR-20595[F] dated 29/06/2021)

+1 CC to M/s.SPL GP (SR-20673[F] dated 30/06/2021)

W.P. (MD)No.13993 of 2020
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