



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) No.14921 of 2021

S.Ajay

... Petitioner

Vs.

1.The District Collector,
Madurai District, Collectorate, Madurai.

2.The Director,
Town and Country Planning Department,
4th Floor, C & E Market Road,
Koyembedu, Chennai.

3.The Chief Town Planning Officer,
Town and Country Planning Department,
Madurai Corporation Officer,
Outpost, Madurai.

4.The Chief Engineer,
Water Resource Organisation,
Public Works Department,
Opposite to Lakshmisundaram Hall,
Gokale Road, Madurai.

5.The Revenue Divisional Officer,
Collectorate Campus, Madurai.

6.R.Jeyalakshmi

7.R.Pandi

8.R.Vimala

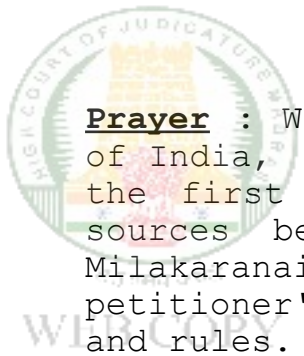
9.R.Kamala

10.R.Mahendra Prabu

11.K.Siddik Khan

12.S.Alibadusha

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to protect the agricultural land and water sources before granting permission for any conversion in the Milakaranai Village, Madurai North Taluk, Madurai by considering the petitioner's representation dated 28.07.2021 in accordance with law and rules.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.R.Baskaran, Counsel for State
for R-1, R-2, R-4 and R-5

: Mr.P.Athimoolapandian, for R3

ORDER

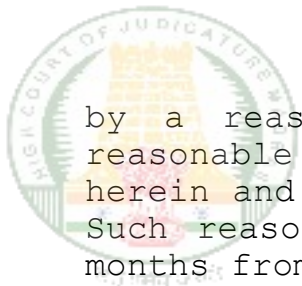
The petitioner seeks to prevent the conversion of agricultural land into plots by considering his representation dated 28.07.2021.

2. The petitioner states that he owns agricultural land at Milakaranai Village, Madurai North Taluk. According to the petitioner, the source of water is from the Vaigai River and the nearby Anaiyur Kanmai. It is claimed that there is a feeder channel between the Anaiyur Kanmai and Panangadi Kanmai which provides water to the Anaiyur Kanmai. The petitioner alleges that respondents 6 to 10, who own agricultural land in the locality, are endeavouring to convert such agricultural land into plots for commercial purposes. According to the petitioner, if such conversion is permitted, it would result in impeding the feeder water channel. A representation dated 28.07.2021 was submitted in this regard to the first respondent and the present Writ Petition is filed on account of the failure to respond thereto.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1, 2, 4 and 5 and Mr.R.Athimoolapandian, learned Standing Counsel, accepts notice on behalf of the third respondent.

4. While the petitioner alleges that the proposed conversion of agricultural land into plots for commercial purposes would result in the blocking of the feeder channel between the Anaiyur Kanmai and Panangadi Kanmai, if the private respondents are put on notice, it is possible that such allegation may be denied. For the purposes of the present proceedings, it is not necessary to go into the merits of the petitioner's allegations.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 28.07.2021 and dispose of the same



by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the private respondents herein and any other person who would be affected by such decision. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order.

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6. W.P.(MD).No.14921 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Madurai District, Collectorate, Madurai.

2.The Director,
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Water Resource Organisation,
Public Works Department,
Opposite to Lakshmisundaram Hall,
Gokale Road, Madurai.

4.The Revenue Divisional Officer,
Collectorate Campus, Madurai.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-27147[F] dated 25/08/2021)
+1 CC to M/s.GP (SR-27187[F] dated 25/08/2021)

W.P (MD) No.14921 of 2021
24.08.2021

PS (CO)

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