



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.14530 of 2020
and W.M.P. (MD) No.12189 of 2020

S.Mahamuni

... Petitioner

Vs.

- 1.The District Collector,
Madurai District.
- 2.The Executive Engineer,
Public Works Department, (WRO),
Madurai District.
- 3.The Thasildar,
Madurai North,
Madurai District.
- 4.V.V.Nursery and Primary School,
Rep. by Mr.Sureswaran,
Kulamangalam,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to remove the encroachments made by the 4th respondent and others in S.No.65/7 (Irrigation Canal) and its Branch canals running in un-divided S.No.65 of Kulamangalam Village, Madurai North Taluk, Madurai District.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent Nos.1 to 3 : Mr.A.K.Manickam

Standing Counsel for Government

For Respondent No.4 : Mr.S.Sivaprakash

ORDER

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

The petitioner seeks for a direction upon the respondent Nos.1 to 3 to remove the encroachments made by the 4th respondent and others in S.No.65/7 (Irrigation Canal) and its Branch canals running in un-divided S.No.65 of Kulamangalam Village, Madurai North Taluk, Madurai District.



2.The allegation of the petitioner is that the fourth respondent constructed a school in the middle of fertile agricultural land, consequently, the free flow of water to the land of the villagers has been affected. The photographs produced *prima facie* show that there is obliteration of water canal.

3.It is submitted by the learned counsel for the forth respondent that the proprietor of the School is no more.

4.Learned Standing Counsel for Government, appearing for respondent Nos.1 to 3, on instructions submitted that part of the obliteration of canal using mud has been removed, but still there is some more encroachment.

5.The allegation of the petitioner is that the school premises has blocked the water canal. Therefore, in the light of the dispute raised before us, which cannot be resolved in the Writ Petition, we direct respondent Nos.2 and 3 to cause an inspection in the premises in question, both inside and outside the premises, after issuing notice to the petitioner and the present Management, and take appropriate action on merits and in accordance with law. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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.

2.The Executive Engineer,
Public Works Department, (WRO),
Madurai District.

3.The Thasildar,
Madurai North,
Madurai District.

+1 CC to M/s.SPL GP (SR-20714[F] dated 30/06/2021)

W.P. (MD) No.14530 of 2020

28.06.2021

_CN(06.07.2021) 3P 5C