



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD)No.22378 of 2021

WEB COPY

S.Kannusamy

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The District Revenue Officer,
Ramanathapuram.

3.The Thasildar,
Thiruvadanai Taluk,
Ramanathapuram.

4.V.Sellathurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in the water bodies.

For Petitioner : Mr.M.Vijayarathinam

For Respondent : Mr.M.Siddharthan

Nos.1 to 3

Additional Government Pleader

O R D E R

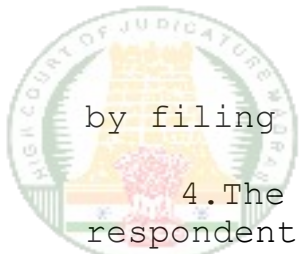
(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition, styled as Public Interest Litigation, has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in the water bodies.

2.Mr.M.Siddharthan, learned Additional Government Pleader, accepts notice on behalf of respondent Nos.1 to 3.

3.In the prayer made by the petitioner, nothing has been stated about the details of the said water bodies, viz., Survey Number, Village, Taluk etc., Only in paragraph 3 of the affidavit filed in support of the petition, it is stated that in Survey No.288, Subramaniapuram Village, Sivagangai District, there is a water channel leading to Madha Kovil Oorani. The petitioner is not able to establish that there is a water channel at Survey No.288

<https://hccs.ecourts.gov.in/cases>



by filing FMB sketch or any other document.

4.The learned Additional Government Pleader appearing for respondent Nos.1 to 3, on instructions from the Village Administrative Officer of Subramaniapuram Village, who is personally present in the Court, submitted that the entire Survey No.288 has been subdivided into S.Nos.288/1 to 288/21 and they are either house site/vacant place or pathway/street and there is no channel as has been alleged by the petitioner. A copy of the decree in O.S.No.309 of 1987, on the file of District Munsif Court, Devakottai, has been furnished in the typed set of documents, wherein the fourth respondent is the plaintiff and his suit property has been described with four boundaries, which also does not specifically mention about any water channel.

5.In the light of the above facts, there is no merit in the claim of the writ petitioner. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

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,
Ramanathapuram District.

2.The District Revenue Officer,
Ramanathapuram.

3.The Thasildar,
Thiruvadanai Taluk,
Ramanathapuram.

+1 CC to M/s.SPL GP (SR-39471[F] dated 20/12/2021)

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