



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.12.2021

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.22738 OF 2021

K.Sankili Pandian

:Petitioner

.vs.

- 1.The District Collector,
Tuticorin District.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
- 3.The Block Development Officer,
Kovilpatti,
Tuticorin District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Kovilpatti,
Tuticorin District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made in the water channel passing through private patta land in S.Nos.260, 261, 262 and 263, Karthigaipatti Village, Kovilpatti Taluk, Tuticorin District based on the representation, dated 29.11.2021 preferred by the Petitioner.

For Petitioner

:Mr.V.Kalichamy

For Respondents
1,2 and 4

:Mr.M.Siddharthan
Addl.Govt.Pleader

For Respondent-3

:Mr.S.P.Maharajan



O R D E R

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

This Writ Petition is filed by the Writ Petitioner seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made in the water channel passing through private patta land in S.Nos.260, 261, 262 and 263, Karthigaipatti Village, Kovilpatti Taluk, Tuticorin District based on the representation, dated 29.11.2021 preferred by the Petitioner.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.In the affidavit filed in support of the Writ Petition, the Petitioner has stated that his family owned agricultural lands measuring an extent of 2 acre and 75 cents in S.No.260/1, Karthigaipatti Village, Kovilpatti Taluk, Tuticorin District and during rainy season, the rain water passes through S.Nos.253, 254, 255 to reach the Notchikulam Kanmai. It is stated that the channel (Cart Track) passes through the patta lands belonging to the private parties. Unfortunately, the Petitioner has not produced any of his title deeds or Field Map Book to show that the flow of channel reaches the Notchikulam Kanmai. Though the Petitioner has mentioned that the flow of water is through Channel, he has mentioned the same as Cart Track. He is unable to state which are the survey numbers, in which, there is Cart Track, whether there is any encroachment made and whether any sketch or Field Map Book or even title documents are available. From the above facts, this Court is of the view that it is not a "Public Interest Litigation" and it is only a private dispute as the private lands are affected, as seen from the affidavit.

4.In view of the above, it is for the Petitioner to redress his grievance by seeking the Common Law Remedy, if so advised.

5.With the above observation, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsn



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,
Tuticorin District.
- 2.The Revenue Divisional Officer,
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Tuticorin District.
- 3.The Block Development Officer,
Kovilpatti,
Tuticorin District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-40012[F] dated 22/12/2021)

+1 CC to M/s.SPL GP (SR-40209[F] dated 23/12/2021)

W.P (MD) NO.22738 OF 2021
22.12.2021

MGJ(05.01.2022) 3P 7C