



W.P.Nos.5754 & 5755 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.03.2022

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THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. Nos.5754 & 5755 of 2018
and
W.M.P.Nos. 7091 & 7092 of 2018

Loganathan,
S/o. Muthusamy

... Petitioner in
W.P.No. 5754/2018

Manjula Devi,
D/o. Muthusamy

.. Petitioner in
W.P.No.5755/2018

Versus

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Erode-638 001.
3. The Tahsildar,
Modakurichi Taluk,
Erode Dt.-638 104.



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4. Selvakumar,
S/o. Nataraj Gounder

... Respondents in
both W.P.s

COMMON PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in R.C.4662/2017/A2 dated 07.03.2018 and quash the proceedings dated 07.03.2018 consequently forbear the respondents from obliterating or damaging the 2 ½ feet wide canal (Vaaikaal) running in the northern portion of S.Nos. 66/1, 93/1, 64/1 and 65/1 Kagam Village, Modakurichi Taluk, Erode District.

For Petitioner
in both W.P.s : Mr.M.Sivavarthanan

For Respondents
in both W.P.s : Mr.M.Shahjahan,
Special Govt. Pleader
for R1 to R3

Mr. S.Ananth for R4



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COMMON ORDER

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These Writ Petitions have been filed forbearing the 3rd respondent, Tahsildar, from obliterating or damaging the canal running in the northern portion of Survey Nos. 66/1, 93/1, 64/1 and 65/1, Kagam Village, Modakurichi Taluk and also directing the 3rd respondent to measure the cart track situated in the patta lands belong to the petitioners and other villagers.

2. Alleging that, the 4th respondent is trying to destroy the cart track, the petitioners said to have made an objection before the 3rd respondent, Tahsildar, based on the objection, the 3rd respondent Tahsildar proposed to measure the cart track with the help of Zonal Deputy Tahsildar, he has also passed an order to that effect on 07.03.2017. Now, challenging the same, the present Writ Petitions have been filed.

3. Today, when the matters taken up for hearing, Mr.M.Sivavarthanan, learned counsel appearing for petitioners and Mr.S.Ananth, learned counsel appearing for 4th respondent would submit that, pending Writ Petition, the Zonal Deputy Tahsildar, has measured the



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cart track and filed a report before the 3rd respondent, but, so far, the 3rd respondent Tahsildar has not passed any order.

4. Considering their submissions, as the cart track has been measured and the report is pending with the 3rd respondent Tahsildar, the 3rd respondent is directed to pass suitable orders, considering objection of the petitioners, after hearing the petitioners as well as 4th respondent within a period of four weeks from the date of receipt of copy of this order. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

08.03.2022

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To

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Erode-638 001.
3. The Tahsildar,
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Erode Dt.-638 104.

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V.BHARATHIDASAN, J.

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