



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, Chief Justice
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13493 of 2021
and

W.M.P.Nos.14361 and 14363 of 2021

1. S.Karthikeyan, S/o Seenivasan
2. K.Sarnitha, D/o S.Karthikeyan ..Petitioners

Vs.

1. The District Collector,
Tiruppur District, Tiruppur-641 601.
2. The Deputy Director of Agriculture,
Collectorate Complex, Tiruppur-641 601.
3. The Revenue Divisional Officer,
Collectorate Complex, Tiruppur-641 601.
4. The Block Development Officer,
Office of the Palladam Village Panchayat Union,
Palladam-641 664, Tiruppur District.
5. The Tahsildar,
Office of the Tahsildar,
Palladam-641 664, Tiruppur District.
6. The Panchayat President,
Office of the Village Panchayat,
Karadivavi-641 658, Tiruppur District.
7. Mrs.P.Rajamani,
Secretary,
Office of the Village Panchayat,
Karadivavi-641 658, Tiruppur District.
8. The Assistant Engineer,
Tamil Nadu Electricity Board,
Karadivavi-641 658,
Tiruppur District.



9. The Inspector of Police,
Kamanaickenpalayam Police Station,
Palladam Taluk,
Tiruppur District.
(Ninth respondent suo-motu impleaded,
vide order dated 29.06.2021
made in W.P.No.13493 of 2021)

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 6 to remove all the illegal encroachments in the rain fed water tank, namely 'Chinnakuttai' in S.F.No.68/2 situated in the centre of the Karadivavi Village in Palladam Taluk, Tiruppur District made by the residents of the Karadivavi Village who have property and houses in the same village, both inside the water body as well as by blocking the water in-lets feeding the water body, as these encroachments in the village water body includes houses, buildings, power-loom weaving units, cattle and poultry sheds, which have been in many cases rented out to third parties, one of the encroachers being the seventh respondent/Village Panchayat Secretary herself, thereby denying the valuable right to irrigation of the petitioners as Ayyakkattudharars of the 'Chinnakuttai' for more than 10 years as there is no water storage in the 'Chinnakuttai' Pond and also as there is no ground water augmentation in the adjacent petitioners' land and agricultural Wells and consequently direct the respondents to pay a compensation of Rs.22,50,000/- for the loss of livelihood on account of the inability of petitioners to raise crops in their land due to the unavailability of water, and also to pay an amount of Rs.2,25,000/- for every year of income lost hereinafter to the petitioners till all the encroachments in the above said 'Chinnakuttai' Pond are removed and the water inflow into the 'Chinnakuttai' Pond is restored to its original position, based on the representation of the petitioners, dated 03.06.2021.

For petitioners : Mr.M.Purushothaman

For respondents : Mr.P.Muthukumar, State Govt. Pleader
assisted by Mr.S.J.Md.Sathik, Govt. Advocate
for RR-1 to 6 and 9

Mr.B.Sruthan for R-7
Mr.M.Abul Kalam for R-8



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8. No costs. Consequently, W.M.Ps. are closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

cs/grs

To

1. The District Collector,
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8. The Inspector of Police,
Kamanaickenpalayam Police Station,
Palladam Taluk,
Tiruppur District.

+2ccs to Mr.M.Purushothaman, Advocate SR. No. 22565

W.P.No.13493 of 2021

JPII (CO)
PR (20/04/2022)