



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12541 of 2020

S.Muthu

...Petitioner

vs

1. The District Collector,
Villupuram District, Villupuram.
2. The District Revenue Officer,
Villupuram District, Villupuram.
3. The Revenue Divisional Officer,
Tindivanam Division, Tindivanam,
Villupuram District.
4. The Tahsildar,
Melmalayanur Taluk, Melmalayanur,
Villupuram District.
5. The Village Administrative Officer,
Melmalayanur Village, Melmalayanur Taluk,
Villupuram District 604 201.

6. K.Venkatesan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 5 herein to take appropriate action against the 6th respondent against his illegal encroachment of water channel and consequently restore the running of water channel in its original width in Survey No.595/3A of Melvayalamur Village, Melmalayanur Taluk, Villupuram District.

For the Petitioner

:Mr.N.Elumalai

For the Respondents

:Mr.J.Ravindran

Addl. Advocate General

Assisted by Mr.P.Muthukumar,

State Govt. Pleader for RR 1 to 5



WEB COPY

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition was filed to seek a direction on the respondents to remove the encroachment on the water channel in S.No.595/3A of Melvayalanur Village, Villupuram District.

2. The learned Additional Advocate General has submitted with the FMB sketch along with a report that the encroachment in the water channel has already been removed.

3. The learned counsel for the petitioner, however, submitted that though encroachment has been removed, to allow free flow of water, the removal was somewhere less than what was the width of the water channel and accordingly, complete removal of encroachment has not been made.

4. The aforesaid has been controverted by the respondents stating that the width of the water channel has been maintained and therefore, the allegation that it has not been maintained as per the revenue record is not correct.

5. We have considered the rival submissions of the parties and find that the encroachment on the water channel has been removed by the respondents and that too upto the width given in the revenue records.

6. Thus, the writ petition has become infructuous, however, it is disposed of with a liberty to the petitioner that if in future or otherwise any encroachment is made on the water channel, he would be at liberty to approach this Court in the manner known to law. The petitioner is also given liberty to take appropriate remedy if he is aggrieved by the grant of patta to the private respondent.

There will be no order as to costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar



To:

1. The District Collector,
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Villupuram District.
 5. The Village Administrative Officer,
Melmalayanur Village, Melmalayanur Taluk,
Villupuram District 604 201.
- +1 CC to Mr.N.Elumalai, Advocate sr 10493.
+2 CC to Mr.R. Karthikeyan, Advocate sr 10497.

W.P.No.12541 of 2020

NK(CO)
SP(24/02/2022)