



W.P. No.33326 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.33326 of 2022

S.Mohan

... Petitioner

Vs

1.The District Collector
Kallakurichi District - 606 202

2.The Assistant Executive Engineer
Water Resources and Irrigation Department
PWD Department, Kallakurichi District

3.The Revenue Tahsildar
Sankarapuram
Kallakurichi District -606 401

4.The Block Development Officer
Rishivandhiyam Panchayat Union office
Vanapuram Pagandai Koot Road
Ariyalur S.O., Kallakurichi District-606 801

5.Thilaavathy

6.Deviamani

7.Venkatesan

8.Murugesan

... Respondents

Page 1 of 6



W.P. No.33326 of 2022

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing respondents 1 to 5 to remove the illegal encroachment made by the respondents 6 to 8 on the Odai/Water Channel by obstructing free flow of excess water during rainy season from Endal Village PWD. Lake Sankarapuram Taluk Kallakurichi District and consequently issue necessary directions to the 2nd and 3rd Respondents to measure the Odai / Water channel as per Revenue record and widen the same to its original position.

For Petitioner : Mr.S.Udayakumar

*For Respondents : Mr.P.Muthukumar,
State Government Pleader,
for the fourth respondent*

*Mr.J.Ravindran,
Additional Advocate-General
assisted by Mr.A.Selvendran,
Special Government Pleader
for respondents 1 to 3*

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, claiming to be President of the Tamil Nadu Sugarcane Growers Association for Kallakurichi Cooperative Sugar Mill Unit-I, at Sankarapuram Taluk, Kallakurichi District, has filed this writ petition for issuance of a Writ of Mandamus directing respondents 1 to 5 to remove the illegal encroachment made by respondents 6 to 8 on the Odai/Water Channel, obstructing the free flow of excess water during rainy season from Endal Village PWD Lake, Sankarapuram Taluk



W.P. No.33326 of 2022

Kallakurchi District, and consequently direct respondents 2 and 3 to measure the Odai/Water channel as per Revenue record and widen the same to its original position.

2. Learned counsel for the petitioner would submit that the Association is a registered one, under the Tamil Nadu Societies Registration Act bearing Registration No.26/77. The Association is representing the Sugarcane Growers in the State of Tamil Nadu in general and Kallakurichi Cooperative Sugar Mill, Unit-I represents the area covered in Rishivandhiyam Firka in particular. When the Association has been formed to redress the various grievances of the sugarcane growers in the State of Tamil Nadu, they are also representing various issues pertaining to the farmers. The petitioner's village and adjacent villages are depending upon rain water during rainy season. They do not have any source of dam water and the nanjai and punjai lands are all dependent upon only the rain water. Public Works Department has been maintaining the Endal Village lake and the excess water that overflows from the lake during rainy season would pass through Odai/water channel. Originally, the water channel was wider and deeper; therefore, the flow of water was free without



W.P. No.33326 of 2022

any hindrance and stagnation. However, due to rampant encroachment, the width of the Odai has shrunk and as a result, water overflowing from the Odai enters the village, causing inundation. The petitioner has sent a detailed representation dated 21.06.2022, in this regard, to respondents 1 to 5. However, there was no response from the respondents till date. Hence, the petitioner has come up with this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing for the fourth respondent submitted that the representation of the petitioner would be duly considered and proper action would be taken to remove the encroachments.

4. Recording the submission made by learned State Government Pleader, this writ petition is disposed of by directing the first respondent, District Collector, Kallakurichi District, to consider the representation of the petitioner dated 21.06.2022 and dispose of the same in accordance with law. Before passing any order, the first respondent should issue notice to the affected parties and hear them. If encroachments are found, the same should be removed forthwith



W.P. No.33326 of 2022

and steps should be taken to restore the Odai to its original width and depth, as per the revenue records. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. There is no order as to costs in this writ petition.

(T.R., ACJ.) (D.B.C., J.)
12.12.2022

Index: Yes/No
tar

To

1.The District Collector,
Kallakurichi District - 606 202.

2.The Assistant Executive Engineer,
Water Resources and Irrigation Department,
PWD Department, Kallakurichi District.

3.The Revenue Tahsildar,
Sankarapuram,
Kallakurichi District -606 401.

4.The Block Development Officer,
Rshivandhiyam Panchayat Union office,
Vanapuram Pagandai Koot Road,
Ariyalur S.O.,
Kallakurichi District-606 801.



WEB COPY



W.P. No.33326 of 2022

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

W.P. No.33326 of 2022

12.12.2022