



W.P.(MD) No.2079 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.2079 of 2022

P.K.Rajangam

... Petitioner

-Vs-

1. The District Magistrate (Collector),
Virudhunagar.

2. The Additional District Magistrate
cum District Revenue Officer,
Virudhunagar.

3. The Sub Divisional Magistrate
cum Revenue Divisional Officer,
Arupukkottai, Virudhunagar District.

Page 1 of 8



W.P.(MD) No.2079 of 2022

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4. The Tahsildar,
Tiruchuli, Virudhunagar District.

5. The Executive Engineer,
Public Works Department(WRO),
Gundaru Basin Division, Madurai.

6. The Assistant Executive Engineer,
Public Works Department (WRO),
Gundaru Basin Division, Madurai.

7. The Superintendent of Police,
Virudhunagar District.

8. The Inspector of Police,
Narikudi Police Station, Narikudi.

9. Maraiyur Villagers,
Rep. by Mr.Malaiyarasan,
S/o.Chellaiah, Maraiyur Village,
Narikudi Post, Tiruchuli Taluk,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 9th respondent from blocking the crust of the Maraiyur Kanmoi and consequently, directing the official respondents to restore the Weirs of the Maraiyur Kanmoi and the water canal till the Sethurayanendal Kanmoi.

Page 2 of 8



W.P.(MD) No.2079 of 2022

WEB COPY

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R6
Mr.T.Senthil Kumar
Additional Public Prosecutor
for R7 & R8
Mr.M.Thangapandian for R9
Mr.M.Karuppasamy
Advocate Commissioner

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, forbearing the 9th respondent from blocking the crust of the Maraiyur Kanmoi and consequently, directing the official respondents to restore the Weirs of the Maraiyur Kanmoi and the water canal till the Sethurayanendal Kanmoi.

2. Heard Mr.RM.Arun Swaminathan, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader, appearing for

Page 3 of 8



W.P.(MD) No.2079 of 2022

WEB COPY

the respondents 1 to 6; Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents 7 and 8; Mr.M.Thangapandian, learned counsel appearing for the 9th respondent and Mr.M.Karuppasamy, learned Advocate Commissioner.

3. Earlier, on 15.11.2022, this Court appointed Mr.M.Karuppasamy, learned counsel as an Advocate Commissioner for the purpose of ascertaining the actual position of the Maraiyur Kanmoi.

4. Based on the above directions of this Court, learned Advocate Commissioner, after conducting a physical inspection on the aforesaid waterbody with the assistance of the revenue officials, submitted a detailed report along with photographs before this Court. The relevant portion of the report is extracted hereunder:-

“On the physical inspection, perusal of records and enquiry from the aged people of the both side villages and personnel of the Official Respondents, I come to conclusion that there was a "Pa" Kaadi structure in the disputed eastern side weir of the Maraiyur tank before the year of 1984 for free overflowing of surplus water to



W.P.(MD) No.2079 of 2022

WEB COPY

the Sethurayanendal tank and later which was completely blocked by raising construction. Further there is an encroachment on the Sy.Nos. 267/5A, 6, 4C2A, 4C2B, 4C1, 4A, 267/2 of the supply channel which is adjacent to the Thiruchuli to Parthibanur Road, hence, the said supply channel from Maraiyur tank to Sethurayanendal tank is also completely blocked. Unless the blockage on the eastern side weir of the Maraiyur tank and the encroachment on the above said survey numbers be removed, the surplus water could not be reached the Sethurayanendal tank. Further the PWD has to restore the Original "Pa" Kaadi in its original position then only the overflowing of surplus water will reach the next beneficiary tanks i.e., Sethurayanendal tank and then Naganendal tank as mentioned in the Revenue Records as well as in the (PWD) WRO records.”

5. Perusal of the above report shows that there was a "Pa" Kaadi structure in the disputed eastern side weir of the Maraiyur tank before the year of 1984, for free overflowing of surplus water to the Sethurayanendal tank, however, due to raised construction therein, the free flow of surplus water was completely blocked. Further, it is also categorically stated that there are encroachments in Survey Nos.267/5A, 6, 4C2A, 4C2B, 4C1, 4A, 267/2 of the supply channel situated adjacent to Thiruchuli to Parthibanur Road, which



W.P.(MD) No.2079 of 2022

WEB ROOM resulted in complete blockage of the said supply channel from Maraiyur tank to Sethurayanedal tank.

6. Thus, taking into consideration the aforesaid report of the learned Advocate Commissioner, this Writ Petition is disposed of with a direction to the respondents 5 and 6, to inspect the aforesaid waterbodies and ascertain as to whether the encroachments in the aforesaid supply channel are still existing and if so, appropriate action shall be taken to remove the same with the assistance of respondents 1, 7 and 8, after considering the objections, if any, of the 9th respondent – Villagers and after affording sufficient opportunity to the petitioner and all other parties concerned and also by following due process of law, as expeditiously as possible. No costs.

[R.M.D., J.] & [J.S.N.P., J.]

23.11.2022

Index : Yes / No

Internet : Yes / No

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Note : Issue order copy tomorrow (24.11.2022)

Page 6 of 8



W.P.(MD) No.2079 of 2022

WEB COPY

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Page 7 of 8



WEB COPY



W.P.(MD) No.2079 of 2022

R.MAHADEVAN, J.

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pkn

W.P.(MD)No.2079 of 2022

23.11.2022

Page 8 of 8