



W.P.(MD)No.22307 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22307 of 2022

Ravichandran

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
R.S.Mangalam Revenue Taluk,
Ramanathapuram District.
- 4.The Assistant Divisional Engineer,
Building of Public Works Departments,
Paramakudi Sub-Division,
Paramakudi,
Ramanathapuram District.
- 5.The Assistant Divisional Engineer (Highways),
Construction and Maintenance Sub-Division,
Thiruvadanai,
Ramanathapuram District.



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6.The Divisional Engineer,
National Highway Department Office,
Railway Feeder Street,
Ramanathapuram,
Ramanathapuram District.

7.Ramanathan

8.Lakshmi

9.Sudha

10.Balamani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment in the excess water floating canal of Koothiyarkottai Kanmai in Survey number 178/1, 178/2B, 179/1A, 180/1B, 181/1B, 190/2B which is classified as a pathway of excess water flow canal, situated in Koothiyarkottai Village, R.S.Mangalam Taluk, Ramanathapuram District and remove the blind spot in the excess water flow canal and making the arrangements to enter excess water flow in to Valamavur Kanmai through the excess water canal of Koothiyarkottai Kanmai, and consequently forbearing respondents 4th to 5th from constructing the bridge in the Koothiyarkottai National Highways Road by considering the petitioner's representation dated 18.06.2022, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.D.Balamurugandi

For Respondents 1 to 6 : Mr.P.Thilak Kumar
Government Pleader

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ORDER

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(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, directing the respondents 1 to 3 to remove the encroachment in the excess water flowing canal of Koothiyarkottai Kanmai in S.Nos.178/1, 178/2B, 179/1A, 180/1B, 181/1B, 190/2B, Koothiyarkottai Village, R.S.Mangalam Taluk, Ramanathapuram District and for a direction to remove the blind spot in the excess water canal and to make arrangements to enable the excess water to flow into Valamavur Kanmai through the excess water canal of Koothiyarkottai Kanmai, and consequently, to forbear the respondents 4th to 5th from constructing the bridge in the Koothiyarkottai National Highways Road by considering the petitioner's representation dated 18.06.2022, within a time frame.

2. Heard Mr.D.Balamurugandi, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader appearing for respondents 1 to 6. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 7 to 10 is dispensed with.

4. Pointing out that respondents 7 to 10 have illegally encroached the pathway used for draining excess water coming from Koothiyarkottai Kanmai in S.Nos.178/1, 178/2B, 179/1A, 180/1B, 181/1B, 190/2B, Koothiyarkottai Village, R.S.Mangalam Taluk, Ramanathapuram District, which results in stagnation of water in the road, and also pointing out that the respondents 4 and 5, instead of removing the encroachments, trying to construct a bridge for the flow of water, the petitioner made a representation dated 18.06.2022 to the official respondents, which according to the learned counsel for the petitioner, remains pending.

5. Learned Government Pleader appearing for the respondents 1 to 6, on instructions, submitted that pursuant to the representation of the petitioner dated 18.06.2022, the authorities are now taking steps to remove the encroachments.



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6. In view of the above, the third respondent is directed to conduct survey on the pathway used for draining excess water coming from Koothiyarkottai Kanmai in S.Nos.178/1, 178/2B, 179/1A, 180/1B, 181/1B, 190/2B, Koothiyarkottai Village, R.S.Mangalam Taluk, Ramanathapuram District, after issuing notice to the petitioners, respondents 7 to 10 and any other parties concerned and after identifying the encroachments, the third respondent is directed to take necessary action for removal of the same, after affording an opportunity of hearing to the respondents 7 to 10 and the other encroachers, if any, and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petitions is disposed of with the above directions. No costs.

[R.M.D., J.] [J.S.N.P., J.]
22.09.2022

Internet : Yes / No

Index : Yes / No

sj

To

1.The District Collector,
District Collector Office,
Ramanathapuram District,
Ramanathapuram.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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Ramanathapuram District.
- 3.The Tahsildar,
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