



W.P.(MD)No.17309 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.17309 of 2018

S.Sakthivel

... Petitioner

Vs.

- 1.The Special Tahsildar (LA) SMIP,
Special Minor Irrigation Programme,
Collectorate, Virudhunagar – 626 002,
Virudhunagar District.
- 2.The Executive Engineer (PWD),
Irrigation Department, Virudhunagar Division.
Collectorate, Virudhunagar – 626 002,
Virudhunagar District.
- 3.The District Collector, Virudhunagar District.
Collectorate, Virudhunagar – 626 002.
- 4.The Sub Registrar,
Thiruthangal Sub Registrar Office,
Thiruthangal, Virudhunagar District.
- 5.The Tahsildar,
Taluk Office, Madurai Road,
Virudhunagar – 626 002, Virudhunagar District. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct 3rd respondent to consider the petitioner's representation dated 05.03.2018 in relating to restoration of the Govindanallur Tank (kanmoi) having extent 58.92 acres in



W.P.(MD)No.17309 of 2018

Muthulingapuram village of Virudhunagar Taluk which is now at Kattanarpatti Village Panchayat of Virudhunagar Taluk.

For Petitioner :Mrs.G.Dhanalakshmi

For Respondents :Mr.S.P.Maharajan

Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the third respondent to consider the petitioner's representation dated 05.03.2018 in relating to restoration of the Govindanallur Tank (kanmoi) having extent 58.92 acres in Muthulingapuram village of Virudhunagar Taluk which is now at Kattanarpatti Village Panchayat of Virudhunagar Taluk. In the representation of the petitioner, it is stated that encroachment in the Tank should be removed.

2.When the matter is taken up for hearing, the learned Special Government Pleader, on instructions from the revenue department, submits that no encroachment is found in the subject land, as alleged by the petitioner. The statement of the learned Special Government Pleader, is recorded.



W.P.(MD)No.17309 of 2018

3.In view of the stand taken by the learned Special Government Pleader on instructions from the revenue officials, this Court is not inclined to issue any positive direction. However, it is open to the petitioner to pursue his representation alleging unauthorised modification of revenue records.

4.Recording statement of the learned Special Government Pleader, this Writ Petition is disposed of with a direction to consider the representation of the petitioner. The revenue officials are directed to ensure that every water body is available with full extent and maintained as water body in public interest. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
24.08.2022

Index : Yes / No

cmr



W.P.(MD)No.17309 of 2018

To

- 1.The Special Tahsildar (LA) SMIP,
Special Minor Irrigation Programme,
Collectorate, Virudhunagar – 626 002,
Virudhunagar District.
- 2.The Executive Engineer (PWD),
Irrigation Department, Virudhunagar Division.
Collectorate, Virudhunagar – 626 002,
Virudhunagar District.
- 3.The District Collector, Virudhunagar District.
Collectorate, Virudhunagar – 626 002.
- 4.The Sub Registrar,
Thiruthangal Sub Registrar Office,
Thiruthangal, Virudhunagar District.
- 5.The Tahsildar,
Taluk Office, Madurai Road,
Virudhunagar – 626 002, Virudhunagar District.



WEB COPY



W.P.(MD)No.17309 of 2018

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

cmr

W.P(MD)No.17309 of 2018

24.08.2022