



W.P.(MD).No.11376 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11376 of 2014

and

M.P(MD) Nos.2 of 2014 and 1 of 2015

M.Marimuthu

... Petitioner

-VS-

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi Taluk,
Tirunelveli District.
3. The Tahsildar,
Taluk Office,
Tenkasi Town,
Tirunelveli District.
4. The Divisional Engineer,
Highways, Construction and Maintenance,
Tenkasi Town,
Tirunelveli District.
5. The Block Development Officer,
Kadaiyanalur Panchayat Union,
Kadaiyanalur,
Tirunelveli District.



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6. The President,
Punniyapuram Panchayat,
Tenkasi Taluk,
Tirunelveli District.

7. T.Muthusamy

8. The Forest Ranger,
Kadayanallur Range,
Tenkasi District.

.... Respondents

(R-8 is *suo motu* impleaded vide
an order of this Court, dated 20.09.2022
in W.P(MD) No.11376 of 2014)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, by calling for the records relating to the impugned order made in Na.Ka.Ow6/62916/2011, dated 20.06.2014 on the file of the first respondent herein and to quash the same.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R-1 to R-4 and R-8	: Mr.M.Lingadurai Special Government Pleader
For R-6	: Mr.S.Sukumar



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ORDER

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The present Writ Petition has been filed challenging the order passed by the first respondent herein, under which, he has directed the fourth respondent to remove a blockage to the water running on the northern side of the Channel.

2. Admittedly, this order has been passed at the request of the seventh respondent herein, who is representing the Ayacutdars of Kalinkan Kulam. The present writ petitioner represents that the Ayacutdar of Madankulam Kanmoi, claim that they are entitled to receive water through the said channel. Hence, it is clear that there is a dispute between Ayacutdar Madankulam and Kalinkankulam Kanmoi relating to the drawing of water. Admittedly, the present order has been passed by the District Collector without hearing the Ayacutdar of Madankulam Kanmoi who allege that their riparian rights have been affected.

3. However, the learned Counsel for the second respondent represents that the Kalinkan Kulam Kanmoi Ayacutdars claim that the petitioner is not



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entitled to receive any water through the said channel. This issue has to be decided only by the District Collector, after affording due opportunity to the writ petitioner, the seventh respondent, the Highways Department and Tahsildar.

4. The order impugned in the Writ Petition is set aside and the matter is remitted back to the file of the first respondent herein and he is directed to pass fresh orders, after hearing all the parties concerned. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. With the above said observation, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

10.11.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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