



W.P.(MD)No.18501 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2022

CORAM

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

W.P(MD)No.18501 of 2018

K.Kalaiarasan

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Assistant Engineer,
Public Works Department & Water Resource Department,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Theni Taluk,
Theni District.

4.M/s Bojaraja Textiles Mills Limited,
Door No 115/3, Main Road,
Veerapandi Town Panchayat,
Theni District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents 1 to 3 to remove the constructions put forth by the 4th respondent herein encroaching PWD channel in S.F.No.78/1B, comprising of 1.49 Hectares of land in Theni District, Theni Taluk,



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Veerapandi Village and consequently direct the Respondents to demarcate and restore the above said PWD Channel to its original form and make it useful for irrigating 50 Acres agricultural lands situated in Palanichettipatty Town Panchayat, considering the representation made by the petitioner dated 21.07.2018.

For Petitioner : Mr.A.Muthun Chakravarthi

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For 4th Respondent : Mr.P.George Stephen Kanikkairaj

* * *

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, directing the Respondents 1 to 3 to remove the constructions put forth by the 4th respondent herein encroaching PWD channel in S.F.No.78/1B, comprising of 1.49 Hectares of land in Theni District, Theni Taluk, Veerapandi Village and consequently direct the Respondents to demarcate and restore the above said PWD Channel to its original form and make it useful for irrigating 50 Acres agricultural lands situated in Palanichettipatty Town Panchayat, considering the representation made by the petitioner dated 21.07.2018.



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2. Heard Mr.A.Muthun Chakravarthi, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.A.George Stephen Kanikkairaj, learned counsel for the 4th respondent.

3. In paragraph Nos.7 and 8 of the counter affidavit the second respondent has stated as follows:-

“7. It is further submitted that the 4th Respondent did not encroached any area as alleged in the affidavit by the writ petitioner. The boundary is clearly fenced and the fencing is existence for more than 40 years.

8. It is submitted that the 3rd respondent through his proceedings in Na.Ka.No.4494/2018/A6 dated 31.08.2018 submitted his report to the 1st respondent regarding there is no encroachment made by the 4th respondent in Survey No.78/1B and 67/2 situated at Veerapandi Village, Theni Taluk, Theni District. The Village Administrative Officer also submitted his report on 27.08.2018 that there is no encroachment in Survey No.78/1B and 67/2. The petitioner made a representation on



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21.07.2018 stating that there is encroachment in Survey No.78/1B. As per representation of the petitioner, there is no encroachment available in the Survey No.78/1B and further there is no PWD channel found in Survey No. 78/1B and 67/2 only the TWAD Board office is running past several years. Therefore, this writ petition is premature and liable to be dismissed. This writ petition is filed by the petitioner for getting with personal interest for the reason best known to him.”

4. Recording such statements of the 2nd respondent in the counter affidavit, this Writ Petition is closed. No costs.

[R.M.D., J.] [J.S.N.P., J.]
19.09.2022

Internet : Yes / No

Index : Yes / No

sj

To

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