



W.P.(MD) No.22594 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22594 of 2022

and

W.M.P.(MD)No.16760 of 2022

S.Deivasigamani

... Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Melur Taluk, Madurai District.

3.The Block Development Officer,
Melur Taluk, Madurai District.



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4.The President,

Kidaripatti Village Panchayat,
Kidaripatti, Melur Taluk,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the 4th respondent from put up the drainage channel in front of the petitioner's house by excavating and encroaching the petitioner's patta land in Survey No.750/1, situated at Kidaripatti Village, Melur Taluk, Madurai District and consequently, to direct the respondents to restore the petitioner's land to its original position and to direct the respondents to put up the drainage channel in the panchayat land which is opposite side of the petitioner's house.

For Petitioner : Mr.K.Sathish Kumar

For R1 & R2 : Mr.S.P.Maharajan,
Special Government Pleader

For R3 & R4 : Mr.N.GA.Nataraj,
Government Advocate



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ORDER

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

This Writ Petition has been filed, seeking a direction to restrain the 4th respondent from putting up the drainage channel in front of the petitioner's house by excavating and encroaching the petitioner's patta land in Survey No.750/1, situated at Kidaripatti Village, Melur Taluk, Madurai District and consequently, direct the respondents to restore the petitioner's land in its original position and put up the drainage channel in the panchayat land, which is at opposite side of the petitioner's house.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice on behalf of the respondents 1 and 2 and Mr.N.GA.Nataraj, learned Government Advocate takes notice on behalf of the respondents 3 and 4.

3.By consent of both parties, this Writ Petition itself is taken up for final disposal at the stage of admission.



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4. According to the petitioner, the land in Survey No.750/1, situated at Kidaripatti Village, Melur Taluk, Madurai District, is the ancestral property of the petitioner. There is a common drinking water pipe in the opposite side of the petitioner's house. Since the waste water of the said pipe stagnates in front of the petitioner's house, the petitioner sent a representation to the authorities to put up a channel in the village. Thereafter, the 4th respondent inspected the village. Though there is sufficient panchayat land in the village to construct the channel, the 4th respondent approached the petitioner to put up channel in the petitioner's land. Thereafter, it was decided to put up channel in the opposite side of the petitioner's house. When the matter stood thus, on 18.09.2022, without issuing any notice to the petitioner, the 4th respondent excavated a ditch in front of the petitioner's house and blocked the pathway. Hence, the petitioner made a representation dated 19.09.2022 to the 1st respondent. Since the same has not been considered so far, the petitioner has filed this Writ Petition.



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5.The learned Special Government Pleader for the respondents 1 and 2, on instructions, would submit that necessary survey would be conducted by the concerned respondent before continuing the construction activity in the disputed place.

6.Recording the said submission of the learned Special Government Pleader for the respondents 1 and 2, this Court, without going into the merits of the case, directs the 2nd respondent to conduct a survey in the land in question in the presence of the petitioner as well as all the parties concerned and thereafter, take necessary action in this regard. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.With this direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]
26.09.2022

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Internet : Yes / No
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and

J.SATHYA NARAYANA PRASAD, J.

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To

- 1.The District Collector,
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