



W.P(MD)No.19078 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19078 of 2016

and

W.M.P(MD)No.13781 of 2016

G.Annadurai

... Petitioner

Vs.

1.The Tahsildar,
Kalayarkovil,
Kalayarkovil Taluk,
Sivagangai District.

2.Pitchaikutti

3.Ramesh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents no.1 and 2 not to carry out the work of widening the revenue channel to more than 10 feet in the petitioner's patta lands in Survey No. 23/1A1A situated in 118, Somanadhamangalam Group, Krishna Nagar, Kalayarkovil Taluk, Sivagangai District without following any land acquisition proceedings within the Time frame fixed by this Court.



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For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction as against the respondents one and two, not to carry out the widening of the revenue channel for more than 10 feet in petitioner's patta land in Survey No.23/1A1A situated in 118, Somanadhamangalam Group, Krishna Nagar, Kalayarkovil Taluk, Sivagangai District without following any land acquisition proceedings.

2. According to the learned counsel for the petitioner, the above said survey number is a private patta land belonging to the petitioner. There was a channel running, abutting the private property of the writ petitioner. A request was made by the first respondent herein to the petitioner to grant some land from the private patta land, so that the channel could be widened. Based upon the request made by the first respondent, the petitioner has accepted to widen the channel to an extent of 10 feet in width. Only on the said promise, the petitioner had permitted the widening of the channel. However, the first respondent has proceeded to widen the channel to an extent of 32 feet. Hence, the present writ petition has been filed.



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3. On instructions, the learned Additional Government Pleader for the first respondent submits that there are no records to indicate the actual width of the original channel. Hence, it is clear that the channel was very narrow in width and only on the permission granted by the petitioner, the first respondent has started widening of the said channel. Hence, the first respondent cannot widen the said channel beyond the permission granted by the petitioner.

4. In view of the above said facts, this Court directs the first respondent, not to widen the said channel beyond an extent of 10 feet width into the private patta land of the petitioner in the above said survey number without following the land acquisition proceedings.

5. With the above said observations, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.08.2022

Index : Yes / No
Internet : Yes / No
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To

The Tahsildar,
Kalayarkovil,
Kalayarkovil Taluk,
Sivagangai District.



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R.VIJAYAKUMAR ,J.

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Order made in
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