



W.P.No.1041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 1041 of 2023
and WMP.No.1032 of 2023

1. G.Pulithevan
2. G.Appamani

.. Petitioners

Versus

1. The District Collector,
Dharmapuri District.

2. The Joint commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department, Salem.

3. The Executive officer,
Arulmigu Prasannavenkatramana Swami
Thirukoil Kadaiveedhi, Dharmapuri.

4. The Executive engineer,
Public Works Department,
Water Resource Management,
Dharmapuri.

5. Santhosh

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from in any way taking forcible possession of the property at Survey No. 293/1 Annasagaram Village, Dharmapuri District without following due process of



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law either by laying road by constructing a bridge over the water Channel or in any other manner whatsoever.

For Petitioner : Mr.Subramanian
For M/s.C.Jagadish
For Respondents : Mrs.R.Anitha, SGP RR1 & 4
Mr.P.Rajendran, AGP HR & CE
For RR2 & 3

ORDER

This writ petition is filed forbearing the respondents 1 to 4 from in any way taking forcible possession of the property at Survey No. 293/1 Annasagaram Village, Dharmapuri District without following due process of law either by laying road or by constructing a bridge over the water Channel or in any other manner whatsoever.

2. The main grievance of the petitioners is that under the pretext of culvert to provide neighboring land owners, the petitioners agricultural property in Survey No. 293/1 Annasagaram Village, Dharmapuri District has been disturbed by the respondents trying to put some culvert through the agricultural land, which is in possession of the petitioners. Hence, the petitioners have filed the present writ petition.



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3. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents 1 and 4 and the learned Additional Government Pleader appearing for the respondents 2 and 3.

4. The respondents 3 and 4 have filed counter stating that the first respondent has sanctioned a sum of Rs.6,00,000/- for construction of a culvert in S.F.No.94 of the village, which is classified as Voikkal. This Voikkal is an irrigation channel to irrigate the registered ayacuts fed by the Annasagaram Tank and the petitioners have no *locus standi* to interfere in the works undertaken by the respondents herein. The first respondent has sanctioned the work with allotment of funds for the purpose of providing transport facilities for the movement of the farm products of the cultivators of the land fed by the tank which would also be beneficial to the petitioners. The culvert is constructed only in the irrigation channel in S.F.No.94 and not in S.F.No.293/1. The learned counsel further submitted that the distance between S.F.No.293/1 and S.F.No.94 is about 4.8 mtrs.



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5. Recording the submissions made by the learned Special Government Pleader and the Additional Government Pleader, no further order is necessary in the matter and this writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes / No
Speaking Order : Yes / No

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To

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N.SATHISH KUMAR, J.

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