



W.P.No.3430 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3430 of 2023
and WMP Nos.3499 and 3500 of 2023

S.Abdul Suban Sahib

... Petitioner

-Vs-

1.The District Collector
O/o. the District Collector
Kallakurichi.

2.The Block Development Officer
O/o.the Block Development Officer
Kallakurichi.

3.The Tahsildar
O/o.the Tahsildar
Sankarapuram Taluk Office
Sankarapuram.

4.The President
Alathur Village Panchayat
Alathur Village and Post
Sankarapuram Taluk
Kallakurichi.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 14.10.2022, in Na.Ka.Aa5/5992/2022, of the 1st respondent and quash the same and consequently forbear the respondents from any manner digging any pond in the land classified as varri in S.No.132/2 instead of the lands in S.Nos.142, 156/9, 275, 304, 353/8 and 644 situated at Alathur Village, Sankarapuram Taluk, Kallakurichi District.



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For Petitioner	Mr.R.Gopinath
For Respondents	Mr.Abishek Moorthy Government Advocate for R2 and R4 Mr.S.Arumugam Government Advocate for R1, R3

ORDER

This writ petition was filed challenging the proceedings of the 1st respondent dated 14.10.2022 and for a consequential direction to the respondents to forbear from digging any pond in the subject property.

2.When the matter came up for hearing on 20.04.2023, this Court passed the following order:

The learned Government Advocate appearing on behalf of the respondents seeks time to file counter. This Court had already directed the first respondent to file a report in this case. Since the decision has been taken by the first respondent, it will be more appropriate if the first respondent files a counter in this case. The main apprehension that has been raised by the petitioner is that if the pond is made operational, his agricultural lands which are adjacent to the same will be completely inundated during monsoon.

2.The learned counsel for the petitioner submitted that apart from the petitioner, there are also others who have agricultural lands and who also face the same problem and the pond is constructed even without calling for objections of the persons who are having agricultural lands near the pond. This specific allegation made by the petitioner has to be dealt with by the District Collector. Even though in the impugned order, it has been stated that the agricultural lands will not be affected by laying the pond, it has to be explained



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in a detailed manner. Ultimately the laying of the pond should not lead to taking away the livelihood of the agriculturists. This has to be kept in mind by the first respondent.

3.Post the matter on 05.06.2023 under the caption "adjourned cases".

3.When the matter was taken up for hearing, the learned Government Advocate filed a status report of the Direct Collector. It is seen that the digging of the pond has already been completed and it has been handed over to the Panchayat.

4.In the light of the above development, nothing survives in this writ petition since the work that has already been completed cannot be reversed at this point of time.

5.Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2023

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KP

Internet : Yes/No

Index : Yes/No

Neutral Citation :Yes/No



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N.ANAND VENKATESH, J.

KP

To

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