



W.P.No.4897 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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S.Prabakaran

.. Petitioner

Vs

- 1 The State of Tamil Nadu
rep by Secretary
Land Administration and Revenue Department
Fort St. George, Chennai – 600009.
- 2 The District Collector
Salem.
- 3 The Assistant Director
Rural Development (Panchayats)
District Collector Office
Salem.
- 4 The Commissioner
Panamarathupatti Panchayat Union
Salem District.
- 5 The Block Development Officer
Panamarathupatti Panchayat Union
Salem District.



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6 The Tahsildar
Salem

7 The Village Administrative Officer
Nazhikalpatti, Salem District.

8 R.S.Kandhaswamy

9 K.Kandhayiammal
(Respondents 8 and 9 impleaded
vide order dated 14.10.2020
made in W.M.P.No.16403/2020)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to restore the water course path ways and check dam as in existence measured in FMB Sketch which was situated in S. No.86/1B, 87 of Nazhikalpatti Village within a stipulated period of time, consequently directing 1st respondent to take necessary departmental action as against the officials who are all sanctioned to construct the small bridge in amman koil road of Nazhikalpatti Village by demolishing the existing bridge in S.No.87 of Nazhikalpatti Village and recover the loss caused to the Government.

For the Petitioner : Mr.R.Ezhilarasan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 4 and 5



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: Mrs.R.Anitha
Special Government Pleader
for respondents 1 to 3, 6 to 7

: Mr.N.Jothi
Senior Counsel
for Mr.P.Rathnavel
for respondents 8 and 9

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.R.Ezhilarasan, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for respondents 4 and 5; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3, 6 and 7; and Mr.N.Jothi, learned Senior Counsel for respondents 8 and 9.

2. It is alleged that 16 metre wide water-channel is being blocked by respondents 8 and 9. This court under order dated 7.4.2021 had directed the State to file a status report. Today, a status report is filed by the fourth respondent after inspecting the site on 14.6.2023. The status report says that the petitioner as well as respondents 8 and 9 were present. Last two paragraphs of the



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said report read thus:

"I respectfully submit that from the above measurements and details, it could be revealed that the quantum of water that flows through the new man made canal is lesser than the natural old canal and if there is excess rain water inlet, the cultivated land of the 8th and 9th private respondents would flooded and damaged due to overflow which could happen in the new man made canal. The 8th and 9th private respondents has reduced the stream path breadth with the new canal.

I respectfully submit that in obedience to the above directions of this Hon'ble Court issued on 07.04.2021 in this writ petition, this status report is submitted on the basis of the above reasoned decision for further orders."

3. As per the status report, the State authorities may take further course of action as may be permissible under law.

With these observations, the writ petition is disposed of.



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There will be no order as to costs.

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(S.V.G., CJ.)

(P.D.A., J.)

15.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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